

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

WILLIAM HOWARD HEATH,

APPELLANT

APPELLATE CASE NO. 2018-000938

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for William Howard Heath respectfully requests a **fourth and final** extension of thirty (30) days **until March 6, 2019**, days in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for William Howard Heath respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

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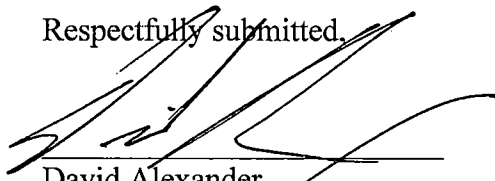
3. Counsel filed the petition for writ of certiorari in the case of The State v. Jovan Mitchell with the Supreme Court on January 22, 2019. Counsel filed the petition for writ of certiorari in the case of The State v. Timothy Beheler with the Supreme Court on January 22, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Peter Coffey with this Court on January 9, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Michael Seals with this Court on January 3, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tyshun Bessellieu with this Court on January 2, 2019. Counsel filed the brief of respondent in the case of Eugene Austin Gardner, III v. The State with the Supreme Court on December 31, 2018. Counsel filed the petition for rehearing in the case of The State v. Robin Herndon with this Court on December 21, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Henry James Fickling, Jr. with this Court on December 18, 2018. Counsel filed the petition for writ of certiorari in the case of The State v. Terrance Johnson with the Supreme Court on December 18, 2018. Counsel filed the brief of respondent in the case of The State v. Vladimir Pantovich with the Supreme Court on December 17, 2018. Counsel filed the petition for writ of certiorari in the case of The State v. Michael Juan Smith with the Supreme Court on December 10, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Jimmy Ray Filyaw with the Court of Appeals on December 10, 2018. Counsel had an oral argument in the case of The State v. Maurice Marshall Harris before this Court on December 5, 2018.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office consents to this request shown by signature below.

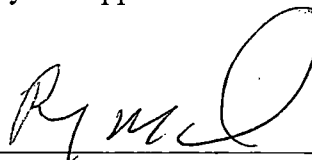
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **March 6, 2019**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,

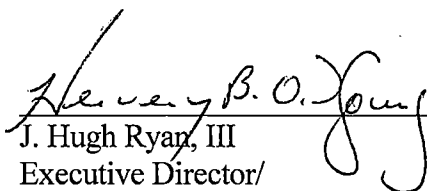


David Alexander
Appellate Defender

Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 4th day of February, 2019.

I consent:


J. Benjamin Aplin, Esquire