

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Anderson County  
Honorable R. Scott Sprouse, Circuit Court Judge

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THE STATE,

V.

WESLEY CHARLES MALMISTER (2),

APPELLANT

APPELLATE CASE NO. 2018-000333

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PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF MATTER

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The undersigned counsel respectfully requests a thirty day extension in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed today.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Gary Hamilton v. The State with the Supreme Court on January 28, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Darnell Khan v. The State with the Supreme Court on January 14, 2019. Counsel filed the petition for writ of

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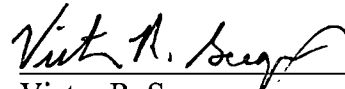
certiorari and accompanying appendix in the case of Timothy L. Townsend v. The State with the Supreme Court on January 14, 2019. Counsel had oral argument before the Supreme Court in the case of The State v. Stephon Robinson on January 10, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Julia Shawnette Gorman v. The State with the Supreme Court on January 7, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tyrone Davis v. The State with the Supreme Court on January 7, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Alexander Maldonado Coreano v. The State with the Supreme Court on December 17, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Billy L. Alford v. The State with the Supreme Court on December 17, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Orin Jerrell Kemp with this Court on December 7, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard Lanard Sprinkle Mavins v. The State with the Supreme Court on December 5, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Sean L. Stroman with this Court on November 26, 2018.

3. This request is made in good faith, and not for purposes 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.

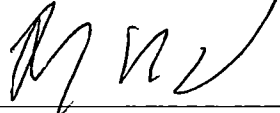
4. As indicated by the counsel below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Victor R. Seeger  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

This 1st day of February, 2019.

I do not oppose:



J. Benjamin Apfin, Esquire