

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

ORIGINAL

THE STATE,

RESPONDENT,

V.

WESLEY CHARLES MALMISTER (2),

APPELLANT

APPELLATE CASE NO. 2018-000333

RECEIVED
MAR 04 2019
SC Court of Appeals

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

Counsel for Wesley Charles Malmister respectfully requests a **fourth and final** thirty (30) **until April 3, 2019**, days in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced 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 in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Wesley Charles Malmister 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.

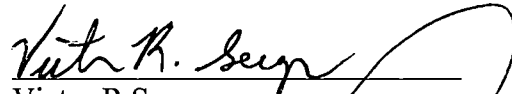
3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Deandre Tyshun Foster v. The State with the Supreme Court on March 1, 2019. Counsel filed the petition for rehearing in the case of The State v. Michael Taquarius Rencher with the Court of Appeals on February 27, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marcus Willis Thames v. The State with the Supreme Court on February 19, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sherra L. Werkmeister v. The State with the Supreme Court on February 15, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Barrington Wayne Grant with this Court on February 1, 2019. 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 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.

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.

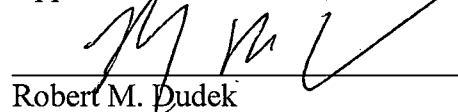
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until April 3, 2019**, in which to file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

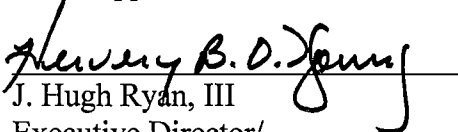
Respectfully submitted,



Victor R Seeger
Appellate Defender



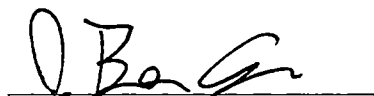
Robert M. Dudek
Chief Appellate Defender



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 March, 2019.

I do not oppose:


J. Benjamin Aplin, Esquire