

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Lexington County

Honorable R. Knox McMahon, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

v.

WILLIAM HOWARD HEATH,

RECEIVED  
RESPONDENT,

MAR 06 2019

SC Court of Appeals

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 **final twenty-five (25) day extension, until April 1, 2019**, 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. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** 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.
2. Counsel for William Heath Howard 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. Counsel is still working through a backlog of his cases caused by the combination of illness, surgery, and extended recovery and an increased caseload because of the departure of multiple appellate defenders. The transcript in this sexual abuse case exceeds 700 pages and appellant received a life sentence.**

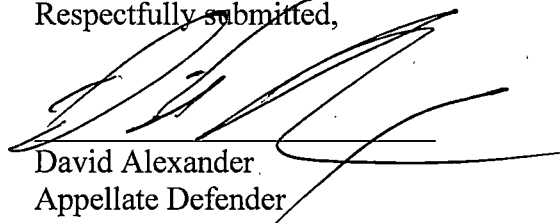
3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Scott Rowan with this Court on March 4, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Johnny James Cook with this Court on February 26, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Casey Jones, Jr. with this Court on February 19, 2019. Counsel filed the petition for writ of certiorari in the case of Gabriel Gratto v. The State with the Supreme Court on February 14, 2019. Counsel filed the petition for writ of certiorari in the case of Jovan Mitchell v. The State with the Supreme Court on January 22, 2019. Counsel filed the petition for writ of certiorari in the case of Timothy Beheler v. The State 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.

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 **final twenty-five (25) day extension until April 1, 2019**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the Initial Brief of Appellant and Designation of Matter in this before the deadline if possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,

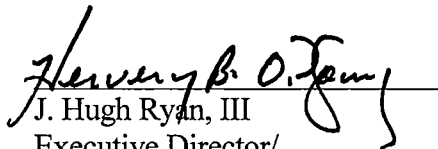


David Alexander  
Appellate Defender

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 6th day of March, 2019.

I consent:



J. Benjamin Aplin, Esquire