

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Lancaster County

Steven H. John, Circuit Court Judge

THE STATE,

v.

DAVID MATTHEW CARTER,

ORIGINAL  
RECEIVED  
MAY 03 2019  
SC Court of Appeals  
RESPONDENT

APPELLANT

Appellate Case No. 2018-001032

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

Counsel for David Matthew Carter respectfully requests a **final four (6) business day extension, until Tuesday, May 14, 2019**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. 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 David Matthew Carter 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 assisted the Indigent Defense Capital Trial Unit attorneys, and the Chief Circuit Public Defender for the Eleventh Circuit in the death penalty trial of The State v. Timothy Jones on April 29-30, 2019 in Lexington, South Carolina, and is scheduled to continue to do so on certain dates in May, 2019. *One of those dates is next Thursday, May 9, 2019, and our office is closed Friday, May 10, 2019 for a state holiday.* Counsel is filing the initial brief of appellant and designation of matter in the case of The State v. Brandon Childers with this Court today, May 3, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ricky Anthony Short with this Court on April 26, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Randall Clark with this Court on April 16, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Rickey Wilson with this Court on April 10, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Samuel Gonzalez with this Court on April 8, 2019. Counsel had an oral argument in the case of The State v. Robert I. Graham before this Court on April 2, 2019. Counsel had an oral argument in the case of The State v. Cory Nettles Allen before this Court on April 1, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Antwon Baker v. The State with the Supreme Court on March 26, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Aneisha Young with this Court on March 22, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Reginald Hamilton with this Court on March 4, 2019. Counsel had an oral argument in the case of The State v. Tekysha Cohen before this Court on March 4, 2019. **Counsel has extensive administrative duties as the Chief Appellate**

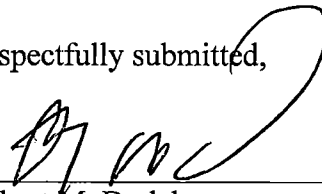
**Defender, including administrative and Appellate Project oversight, and training four less experienced appellate defenders and reviewing all their filings in advance.**

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 requests a **final four (6) business day extension until Tuesday, May 14, 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 brief before that date if possible.** Counsel regrets the necessity of this extension but this case ended in a forty year prison sentence in what appears to be an emotionally charged case in a small county. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

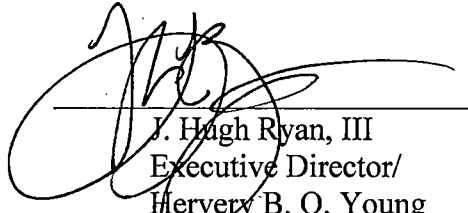
Respectfully submitted,



---

Robert M. Dudek  
Chief Appellate Defender

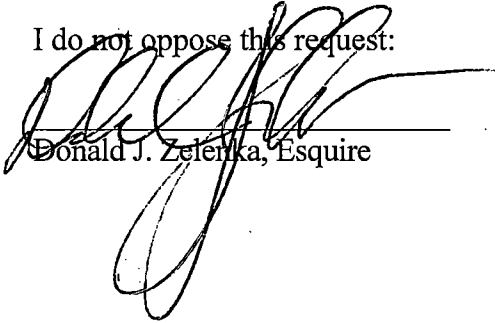
Attorney for Appellant



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 3rd day of May, 2019.

I do not oppose this request:



Donald J. Zelenka, Esquire