

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Carmen T. Mullen, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

v.

RECEIVED

MAY 06 2019

TYRONE ANTHONY WALLACE, JR.,

SC Court of Appeals

APPELLANT

APPELLATE CASE NO. 2018-001242

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

The undersigned counsel would respectfully request a **final ten-day extension until May 16, 2019**, 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 exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by four prior orders of this Court.
2. Appellant was convicted of murder and possession of a firearm during the commission of a violent crime. The transcripts in his case total 785 pages. Undersigned counsel

has almost completed her review of the transcripts, and has started drafting the in initial brief of appellant. Prior to trial, defense counsel moved to suppress Appellant's statements to police. Appellant was interrogated three times, all of which were audio and video recorded. The judge ruled the statements were admissible, and the statements were played in full – eleven hours – for the jury. Additionally, at the conclusion of the presentation of evidence, defense counsel made several requests for jury instructions based upon information contained within the interrogations. In light of the court reporter's failure to transcribe the interrogations, it is necessary for undersigned counsel to review the entirety of the eleven hours of interrogations in the case to determine the merits of the issues presented to the trial judge based upon the evidence contained within the recordings of the interrogations.

3. Counsel had an oral argument in Conway in the case of State v. Steven Otts with the Court of Appeals on April 17, 2019. Counsel had an oral argument in the case of State v. Jamie Lee Simpson with the Court of Appeals on April 9, 2019. Counsel appeared in Sumter County on April 3, 2019, to represent Michael Spann at a guilty plea proceeding. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Jason A. West v. State in the Supreme Court on March 28, 2019. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of John Cleveland Jr. v. State in the Supreme Court on March 27, 2019. Counsel filed a petition for writ of certiorari to the Court of Appeals in the case of State v. Carmine James Miranda, III in the Supreme Court on March 22, 2019. Counsel filed a petition for writ of certiorari to the Court of Appeals in the case of State v. Marcus Channing Johnson in the Supreme Court on March 21, 2019. Counsel filed a petition for writ of certiorari and accompanying appendix in the case of Dominic A. Gallman v. State in the Supreme Court on March 19, 2019. Counsel filed a petition for writ of certiorari and

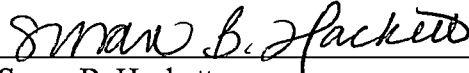
accompanying appendix in the case of Nathaniel Bradley v. State in the Supreme Court on March 12, 2019. Counsel filed a petition for rehearing in the case of State v. Melvin Durant in the Court of Appeals on March 7, 2019.

4. This request is made in good faith, and not for purposes of delay.

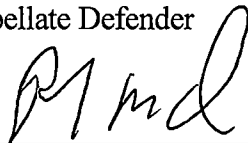
5. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final ten-day extension until May 16, 2019**, in which to file the initial brief of appellant and designation of matter in this case. Counsel 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.

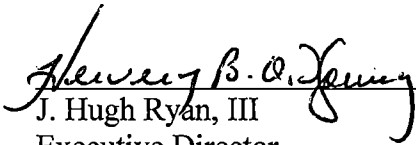
Respectfully submitted,



Susan B. Hackett
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

May 6, 2019

I DO NOT OPPOSE:



For Melody J. Brown, Esquire