

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
J. Derham Cole, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT

RECEIVED

AUG 28 2019

SC Court of Appeals

V.

JARVIS STRIPLING,

APPELLANT

APPELLATE CASE NO. 2018-002038

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

Pursuant to Rule 240, SCACR, Counsel for Jarvis Stripling respectfully requests the Court to accept the **fourth and final thirty (30) day extension, until September 20, 2019** in this case out of time. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter in this case were due to be served and filed with the Court on August 21, 2019 in accordance with Rule 211, SCACR. The Court has granted counsel three previous extensions.

2. However, due to a clerical error, the motion for extension to file initial brief of appellant and designation of matter was not timely filed with this Court.

3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jeremy Renard Webb with this Court on August 15, 2019. Counsel filed the initial

brief of appellant and designation of matter in the case of The State v. Jerrell Trovase Brockman with this Court on August 5, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Cedric Hopkins with this Court on July 25, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Edward Davis, Sr. with this Court on July 16, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Donquavious Dashon Davis.v. The State with the Supreme Court on July 10, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of David Eric Dixon v. The State with the Supreme Court on July 10, 2019. Counsel filed the return to petition for writ of certiorari in the case of Gartharee Hinson v. The State with the Supreme Court on July 8, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Johnathan Devon Moss with this Court on July 1, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard E. Tedford v. The State with the Supreme Court on July 1, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jarnelle Ladarius Ervin with this Court on June 12, 2019.

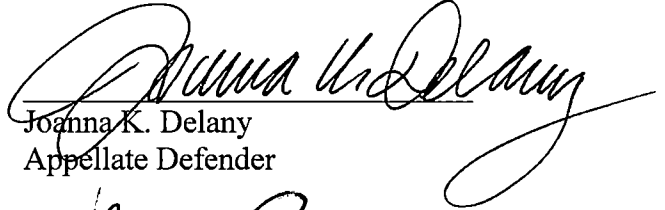
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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

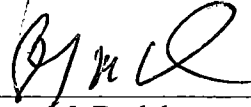
WHEREFORE, the undersigned counsel would respectfully request the Court accept the **fourth and final thirty (30) day extension until September 20, 2019**, as filed out of time.

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.

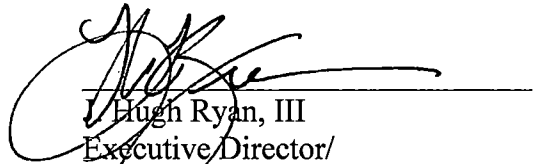
Respectfully submitted,



Joanna K. Delany
Appellate Defender



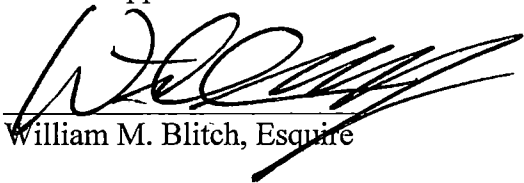
Robert M. Dudek
Chief Appellate Defender



Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 28th day of August, 2019.

I do not oppose:



William M. Blich, Esquire

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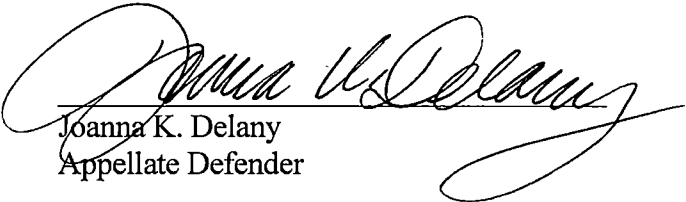
V.

DEMONTAY KEITH PAYNE,

APPELLANT

CERTIFICATE OF SERVICE

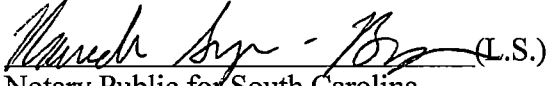
The undersigned attorney hereby certifies that a true copy of the motion to file extension out of time and for an extension of time in which to file the initial brief of appellant and designation of matter in the above referenced case has been served upon William M. Blich, Esquire, this 28th day of August, 2019.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 28th day of August, 2019.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: July 26, 2028.