

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Roger L. Couch, Circuit Court Judge

Appellate Case No. 2018-001909

RECEIVED
OCT 14 2019
SC Court of Appeals

The State,Respondent,

v.

Dana L. Morton,Appellant.

Motion to Extend Time to File Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal

By written order filed July 9, 2019, this Court substituted undersigned counsel for the Division of Appellate Defense and extended the time to file the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. Counsel petitions this Court for an extension of thirty days to Wednesday, October 9, 2019. This request is based on counsel's other profession obligations and not intended for delay. During the week of July 22, 2019, counsel was involved in two and one-half days of jury selection and pretrial motions in a six co-defendant attempted murder trial that was ultimately continued to December. From July 31 to August 4, 2019, counsel attended a seminar and meeting of the National Association of Criminal Defense Lawyers in Philadelphia, Pennsylvania. From August 19-21, 2019, counsel tried *State v. Ernesto Jimenez*, Case No. 2015-A24-201-00559, a criminal second-degree sexual conduct with minor prosecution, August 19-21, 2019. Undersigned counsel also filed an Initial Reply

Brief in the Court of Appeals in *State v. Charles Dent*, Appellate Case No. 2018-001257, on August 19, 2019.

Counsel has completed an opening brief in *Mahdi v. Stirling*, Case No. 19-3, a capital, federal *habeas corpus* appeal, in the United States Court of Appeals for the Fourth Circuit that will be filed once that Court acts on the motion to increase the word limit for the brief from 13,000 words to 21,000 words.

Counsel has been reviewing the trial transcript, which is 1095 pages, and has identified three issues for appeal. This extension is necessary for counsel to effectively brief the issues in this appeal. *See Smith v. Robbins*, 528 U.S. 259 (2000), *Evitts v. Lucey*, 469 U.S. 387, 396 (1985); *see also Patrick v. State*, 349 S.C. 203, 562 S.E.2d 609 (2002), *Southerland v. State*, 337 S.C. 610, 524 S.E.2d 833 (1999). Counsel has blocked time in the next two weeks to complete this brief.

Finally, counsel respectfully requests this Court accept this filing one day out of time.

IT IS SO MOVED.

Respectfully Submitted,

By E. Charles Grose

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By: Laura Wingard
paralegal

Attorney for the Appellant.

October 10, 2019.

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The State,Respondent

v.

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Certificate of Service

I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed to:

William M. Blich, Jr. , Esquire
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

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October 10, 2019.

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October 10, 2019

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Re: *State of South Carolina v. Dana L. Morton*
Appellate Case No. 2018-001909

Dear Ms. Kitchings:

Enclosed for filing, please find Mr. Morton's Motion to Extend Time to File Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal, along with a certificate of service.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly,

E. Charles Grose

E. Charles Grose, Jr.

By: *Laura Wingard*
paralegal

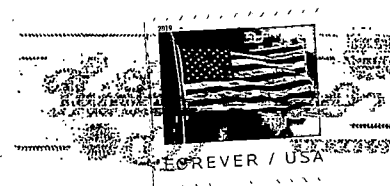
cc: William M. Blicht, Jr.

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