

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
Frank R. Addy, Circuit Court Judge

ORIGINAL
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DEC 10 2019
SC Court of Appeals

THE STATE,

APPELLANT,

V.

SYLVESTER FERGUSON III,

RESPONDENT.

APPELLATE CASE NO. 2018-002133

MOTION FOR AN EXTENSION TO FILE
INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER OUT OF TIME

The undersigned counsel respectfully requests a thirty-day extension out of time in which to file the initial brief of respondent and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. **The initial brief of respondent and designation of matter in this case were due to be served and filed with this Court on Monday, December 9, 2019. Due to an administrative error, an extension was not filed in a timely manner. Upon realizing this error, counsel acted immediately to resolve it.**

2. **Counsel is currently working on the death penalty case of Marion Lindsey v. The State. Counsel has two oral arguments scheduled on Thursday, December 12, 2019.** Counsel filed the Anders brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Timothy Brown with the Court of Appeals on December 9, 2019. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Corey Jermaine Brown with the Court of Appeals on December 4, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marion Bonds v. The State with the Supreme Court on November 25, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Touriarnold Spann v. The State with the Supreme Court on November 25, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Mary Ann German with the Court of Appeals on November 22, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Frederick Calvin Jones with the Court of Appeals on November 8, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of William Brockmeyer v. The State with the Supreme Court on November 6, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Kenneth Wright with the Court of Appeals on November 4, 2019. Counsel filed the brief of respondent in the case of The State v. John Kenneth Massey with the Supreme Court on October 31, 2019. Counsel testified at a PCR Hearing held in Greenville in the case of Jonathan M. Holder v. The State on October 25, 2019. Counsel had an oral argument in the case of In the Matter of Gerald Barrett, Jr., before the Court of Appeals held in Clemson on October 22, 2019. Counsel filed the return to petition for a writ of certiorari in the case of The State v. Billy Taylor with the Supreme Court on October 14, 2019. Counsel filed the initial brief of

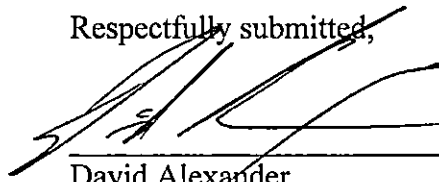
appellant and designation of matter in the case of The State v. Daniel Lee Fludd with the Court of Appeals on October 4, 2019.

3. This request is made in good faith, and not for purposes 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.

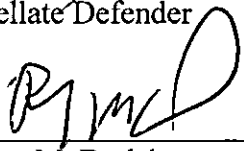
4. As indicated by the counsel below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully requests that the time limits for filing the initial brief of respondent and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



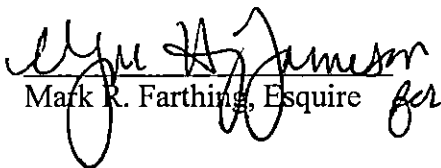
David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 10th day of December, 2019.

I do not oppose:



Mark R. Farthing, Esquire for