

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Berkeley County  
Honorable Deadra L. Jefferson, Circuit Court Judge

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ORIGINAL

THE STATE,

RESPONDENT,

V.

ROBERT DAVID NOLEN,

APPELLANT

APPELLATE CASE NO. 2019-000591

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

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RECEIVED

DEC 18 2019

SC Court of Appeals

Counsel for Robert David Nolen respectfully requests a **fourth and final thirty (30) day extension, until January 17, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Robert David Nolen 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 her caseload, counsel hopes that no further extension requests will be required.


3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerry Dean Heard v. The State of South Carolina with the Supreme Court on December 4, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of The State of South Carolina v. Keshawn Melvin Rice with this Court on December 4, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tyrone Joseph Whatley v. The State of South Carolina with the Supreme Court on November 7, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Timothy L. Frady v. The State of South Carolina with the Supreme Court on November 4, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Derek Maner v. The State of South Carolina with the Supreme Court on October 23, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State of South Carolina v. David Paul Merritt with this Court on October 16, 2019.

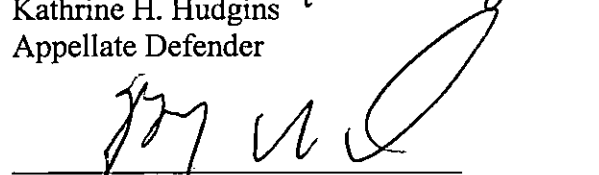
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

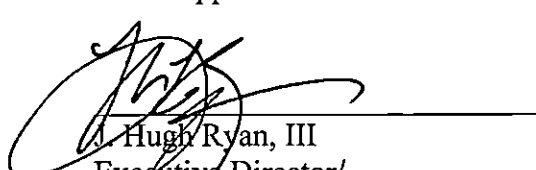
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension, until January 17, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,

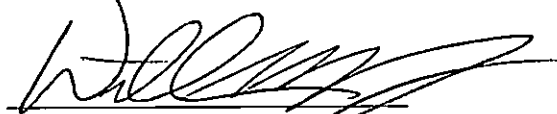
  
Kathrine H. Hudgins  
Appellate Defender

  
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 18<sup>th</sup> day of December, 2019.

I do not oppose:

  
FOR Melody J. Brown, Esquire