

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

ORIGINAL

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MAR 15 2013

SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

MICHAEL C. ANDES,

APPELLANT

APPELLATE CASE NO. 2011-204706

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

Counsel for Michael C. Andes respectfully requests an extension of thirty (30) days in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today, March 15, 2013. The Court has granted counsel two previous extensions.
2. Counsel for Mr. Andes 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 his caseload, counsel hopes that no further extension requests will be required.

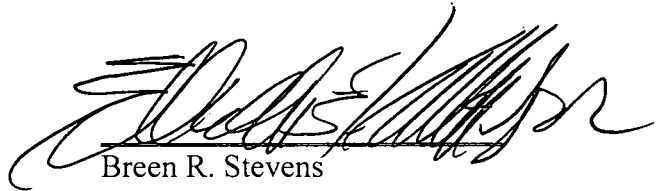
3. Counsel has been on medical leave beginning March 11, 2013 through today, March 15, 2013. On March 8, 2013, counsel filed the brief of appellant and designation of matter in State v. Crystal Nicole Thomas with this Court. On March 6, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Eugene Santiago v. State in the Supreme Court. On March 5, 2013, counsel had oral arguments in State v. Christopher Watson, and in State v. Joseph Cobb, both at this Court. On February 27, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Martina R. Putnam v. State in the Supreme Court. On February 20, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Octavious C. Neely v. State in the Supreme Court. On February 15, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Islam Dunn v. State in the Supreme Court. On February 13, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Robert Bostic v. State in the Supreme Court. On February 8, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Jeremy McPhail v. State in the Supreme Court. On February 6, 2013, counsel filed the brief of appellant and designation of matter in State v. Randal William Benton with this Court. On February 5, 2013, counsel had an oral argument in State v. Randy Blythe at this Court, and filed the brief of appellant and record on appeal in State v. Willie L. Colvin with this Court. On February 4, 2013, counsel filed the brief of appellant and record on appeal in State v. Brandon Davis with this Court. On February 1, 2013, counsel filed the brief of appellant in State v. Miguel Herrera with this Court, and filed the brief of appellant and designation of matter in State v. James Lamarcus Page with this Court. On January 28, 2013, counsel filed the brief of appellant in State v. Randy Mitchell with this Court, and filed the petition for writ of certiorari and accompanying appendix in Gary Michael Piper v. State in the Supreme Court. On January 22, 2013, counsel filed the brief of appellant and record on appeal in State v. Reginald Canty with this Court. On January 14, counsel filed the petition for writ of certiorari and accompanying appendix in Keith R. Bradley v. State in the Supreme Court.

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.

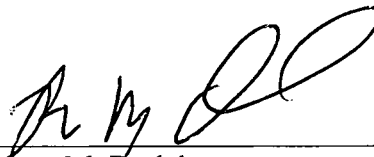
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Breen R. Stevens
Appellate Defender

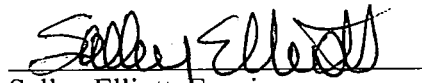
Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 15th day of March, 2013.

I consent:


Salley Elliott, Esquire