

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
APR 15 2013
SC Court of Appeals

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

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 fourth 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, April 15, 2013. The Court has granted counsel three 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.

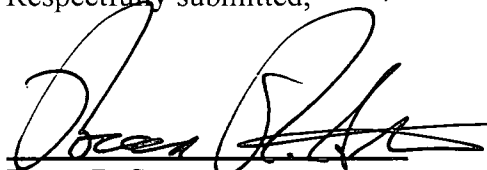
3. On April 15, 2013, counsel filed a brief of appellant and designation of matter in State v. Ricky Bowman in this Court. On April 9, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Montag Webb v. State in the Supreme Court. On April 8, 2013, counsel filed a brief of appellant and record on appeal in State v. Jabbarie Brown in this Court. On April 2, 2013, counsel held an oral argument in State v. Brandon Rogers before this Court. On April 1, 2013, counsel filed a brief of appellant and record on appeal in State v. Eric Shoddy in this Court; and counsel filed a petition for writ of certiorari and accompanying appendix, along with a petition for writ of certiorari pursuant to Austin v. State in Randy Bryant v. State in the Supreme Court. On March 22, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Antonio Lamont Boykin v. State in the Supreme Court; and counsel filed a Johnson petition for writ of certiorari and accompanying appendix in David Fitch v. State with the Supreme Court. 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 held oral arguments in State v. Christopher Watson, and in State v. Joseph Cobb, before 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.

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.

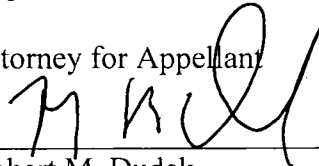
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

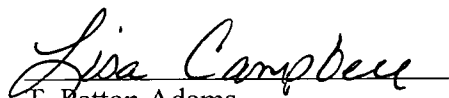


Breen R. Stevens
Appellate Defender

Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender



L. Patton Adams
Executive Director/
J. Hugh Ryan, III
General Counsel

This 15th day of April, 2013.

I consent:


Salley W. Elliott

ORIGINAL



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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 15, 2013

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Dear Ms. Kitchings:

In absence of Hugh Ryan, Deputy Attorney and General Counsel for the South Carolina Commission on Indigent Defense, and Patton Adams, Executive Director of the South Carolina Commission on Indigent Defense, and pursuant to instructions from Mr. Ryan, I ask that you accept this cover letter as an attempt to comply with the Court's order dated March 18, 2009, in regard to extension requests.

In the attached motion for an extension of time, Appellate Defender, Breen Stevens, seeks a thirty-day extension of time to file the brief of appellant and designation of matter. Based on that and his extremely heavy case load, as outlined in the motion, he was unable to complete the petition for writ of certiorari and accompanying appendix.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lisa Campbell
Assistant Director
South Carolina Commission on
Indigent Defense

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