

**RECEIVED**  
**Jun 27 2022**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County

Benjamin H. Culbertson, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DERRICK RIVERA,

APPELLANT.

APPELLATE CASE NO. 2021-001285

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

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Counsel for Derrick Rivera respectfully requests a **fourth and final thirty (30) day extension from June 27, 2022 until July 27, 2022**, in which to serve and 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.
2. Counsel for Derrick Rivera 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 contracted COVID-19 and missed the week of July 20. Counsel had an oral argument in The State v. Johnathan Lamar Hillary before the Court of Appeals on June 15, 2022. Counsel was a speaker on proposed orders and Rule 59(e), motions at the IDCA Post-Conviction Relief CLE on June 10, 2022, at the office of the Commission on Indigent Defense. Counsel filed the brief of appellant and designation of matter in the case of The State v. John Thomas Basile with the Court of Appeals on June 3, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Mark R. Volstromer with the Court of Appeals on May 31, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of James Gregory Younger with the Court of Appeals on May 23, 2022. Counsel filed the brief of appellant in the case of The State v. Jason Donn Lee with the Court of Appeals on May 16, 2022. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jarvis Deshun Lucas with the Court of Appeals on May 11, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Mandy Morrow Fortson with the Court of Appeals on May 6, 2022. Counsel filed the brief of appellant in the case of In the Matter of the Care and Treatment of Ronald Garrard with the Court of Appeals on April 20, 2022.

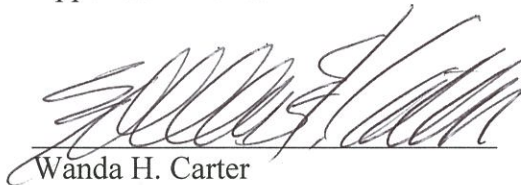
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On May 31, 2022, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2022.

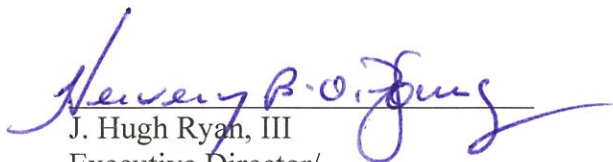
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from June 27, 2022 until July 27, 2022**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,

s/David Alexander  
Appellate Defender



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



J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training Director

This 27th day of June, 2022.

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 27th day of June, 2022.

s/David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Matthews, Lindsey](#)  
**To:** [SC - BROWN MELODY](#)  
**Cc:** [SC - BROWN ANGELA](#); [Alexander, David](#)  
**Subject:** 2021-001285 The State v. Derrick Rivera  
**Date:** Monday, June 27, 2022 12:40:00 PM  
**Attachments:** [2021-001285 The State v. Derrick Rivera - Motion for Fourth Extension.pdf](#)

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Attached is a Motion for Fourth Extension which will be filed with the Court of Appeals today in the above-referenced case.

Thank you.

Sincerely,  
Lindsey M. Matthews  
Administrative Assistant  
SC Commission on Indigent Defense  
Appellate Division  
1330 Lady Street, Suite 401  
P.O. Box 11589  
Columbia, SC 29201  
Phone: (803) 734-1330