

RECEIVED
Jul 13 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM OUTLER, JR.,

APPELLANT.

APPELLATE CASE NO. 2021-000682

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

Counsel for William Outler, Jr., respectfully requests a **final extension of ten (10) days, from July 13, 2022 until July 25, 2022**, in which to file the initial brief of appellant and designation of matter in this case. **Counsel will file the initial brief of appellant and designation of matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. 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 today, July 13, 2022. The Court has granted counsel four previous extensions.
2. **Counsel for William Outler, Jr., respectfully submits that he was out of the office due to an illness from Tuesday, June 21st until Thursday, June 30, 2022 and was unable to work on this case or any other during that extended time period. Counsel also inadvertently**

overlooked the fact that this case was on a fourth extension before he left to teach at the PD 103 Legal Seminar in Greenville last week. Therefore, extraordinary circumstances due to this extended illness exist, and this warrants the granting of an additional extension of time. Counsel regrets the necessity of this extension but hopes it will be the last fifth extension requested of this Court. 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 was out of town teaching error preservation at the Public Defense 103 Seminar in Greenville from Wednesday, July 6th, until Friday, July 8th, 2022. Counsel must file the brief and designation of matter with this Court in the case of State v. Johnathan Rackley on Monday, July 18, 2022. Counsel also must file the brief of petitioner in the Supreme Court on Thursday, July 28, 2022 in the case of State v. William Sellers. Counsel prepared CLE presentations and presented on preserving the record for appeal, transcript review and issue spotting at the Indigent Defense Post-Conviction Relief Training statewide by WebEx on June 10, 2022. Counsel had an oral argument before the Supreme Court on June 8, 2022, in the case of The State v. David Matthew Carter. Counsel, as lead counsel, filed a petition for a stay of execution in the death penalty case of The State v. Jerome Jenkins, Jr., with the Supreme Court on June 7, 2022. Counsel had an oral argument before this Court on June 7, 2022, in the case of The State v. Malette Denise Kimbrough. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dustin G. Ready with this Court on June 3, 2022. Counsel filed the return to motion to submit amended final brief of respondent in the case of The State v. Bryan Austin Seidle with this Court on May 23, 2022, with co-counsel Lara M. Caudy. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

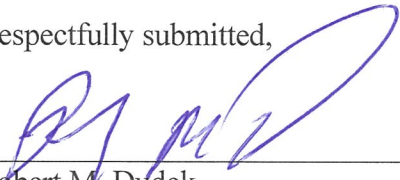
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

will hopefully become more manageable in the near future, and less extensions will need to be requested.

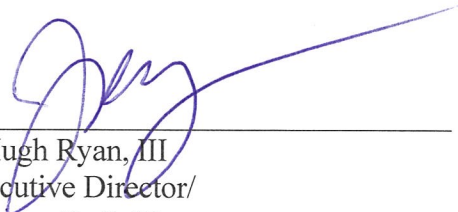
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 31, 2022. That extended, emailed general consent was dated June 30, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final ten (10) day extension from July 13, 2022 until July 25, 2022**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the initial brief of appellant and designation of matter before this deadline if possible, and hopes for this to be the last extraordinary fifth extension caused by counsel's extended illness.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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 13th day of July, 2022.

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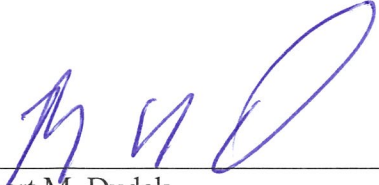
WILLIAM OUTLER, JR.,

APPELLANT.

APPELLATE CASE NO. 2021-000682

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy the motion for an extension of time in which to serve and file the initial brief of appellant and designation of matter 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 13th day of July, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Matthews, Lindsey](#)
To: [SC - BROWN MELODY](#)
Cc: [SC - BROWN ANGELA](#); [Dudek, Robert](#)
Subject: 2021-000682 The State v. William Outler, Jr.
Date: Wednesday, July 13, 2022 8:36:00 AM
Attachments: [2021-000682 The State v. William Outler - Motion for Fifth Extension.pdf](#)

Attached is a motion for fifth 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