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Jul 27 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAE'KWON J. SIMMONS,

APPELLANT.

APPELLATE CASE NO. 2021-000802

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

The undersigned counsel respectfully requests a thirty-day extension from July 27, 2022 until August 26, 2022, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today, July 27, 2022, having been extended by two prior orders of this Court.
2. Counsel is working on the brief of petitioner in the case of The State v. William C. (Billy) Sellers, to be filed with the Supreme Court on July 28, 2022. Counsel filed the petition for

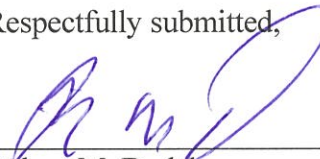
rehearing in the case of The State v. Malette Denise Kimbrough, with the Court of Appeals on July 27, 2022. Counsel filed the amended final reply brief of appellant in the case of The State v. Bryan Austin Seidle with the Court of Appeals on July 26, 2022, with co-counsel Lara M. Caudy. Counsel filed the initial brief of appellant and designation of matter in the case of The The State v. William Outler, Jr., with the Court of Appeals on July 15, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jonathan Richard Rackley with the Court of Appeals on July 18, 2022. Counsel was out of town teaching error preservation at the PD-103 seminar in Greenville from Wednesday, July 6, 2022, until Friday, July 8, 2022. Counsel was out of the office due to an illness from Tuesday, June 21, 2022, until Thursday, June 30, 2022. Counsel prepared CLE presentations on preserving the record for appeal, transcript review and issue spotting for the Indigent Defense Post-Conviction Relief Training 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 the Court of Appeals 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 the Court of Appeals on June 3, 2022. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight.**

3. This request is made in good faith, and not for purposes 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.

4. 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 thirty-day extension from July 27, 2022 until August 26, 2022. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

This 27th day of July, 2022.

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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 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 27th 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: 2021-000802 The State v. Dae"Kwon J. Simmons
Date: Wednesday, July 27, 2022 10:59:00 AM
Attachments: [2021-000802 The State v. Dae"Kwon J. Simmons - Motion for Third Extension.pdf](#)

Attached is a motion for 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
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P.O. Box 11589
Columbia, SC 29201
Phone: (803) 734-1330