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Aug 01 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DIANTE JERMAINE WILLIS,

APPELLANT.

APPELLATE CASE NO. 2021-001466

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

Counsel for Diante Jermaine Willis respectfully requests a **final extension of thirty (30) days from August 1, 2022 until August 31, 2022** 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. 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, August 1, 2022. The Court has granted counsel three previous extensions.
2. Counsel for Diante Jermaine Willis 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 no further extensions will be required.

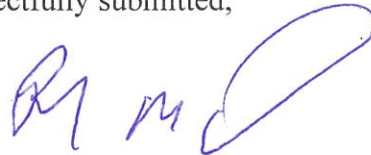
3. Counsel filed the brief of petitioner in the case of The State v. William C. (Billy) Sellers, with the Supreme Court on July 28, 2022. Counsel filed the petition for rehearing in the case of The State v. Malette Denise Kimbrough, with the Court of Appeals on July 27, 2022. Counsel filed the amended 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 also has extensive administrative duties as the Chief Appellate Defender.**

4. 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.

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 August 31, 2022. That extended, emailed general consent was dated July 27, 2022.

WHEREFORE, the undersigned counsel would respectfully request **a final thirty-day extension from August 1, 2022 until August 31, 2022** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. 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 1st day of August, 2022.

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THE STATE,

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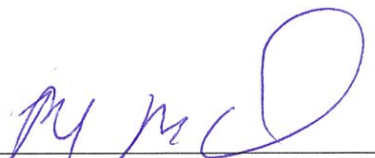
DIANTE JERMAINE WILLIS,

APPELLANT.

APPELLATE CASE NO. 2021-001466

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 1st day of August, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BROWN MELODY; "Angela Brown"](#)
Cc: [Dudek, Robert](#); [Matthews, Lindsey](#)
Subject: 2021-001466 The State v. Diante Jermaine Willis - Motion for Fourth Extension
Date: Monday, August 1, 2022 9:26:00 AM
Attachments: [2021-001466 The State v. Diante Jermaine Willis - Motion for Fourth Extension.pdf](#)

Ms. Brown,

Please find attached for service the 4th Request for Extension for Initial Brief of Appellant and Designation of Matter for Diante Jermaine Willis' appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330