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Aug 12 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Jasper County

Honorable Bentley Price, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DIONTE J'CHON HABERSHAM,

APPELLANT.

APPELLATE CASE NO. 2021-000805

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

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Counsel for Dionte J'Chon Habersham respectfully requests a **final extension of thirty (30) days, from August 12, 2022 until September 12, 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 12, 2022. The Court has granted counsel three previous extensions.
2. Counsel for Dionte J'Chon Habersham 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 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 also has extensive administrative duties as the Chief Appellate Defender.**

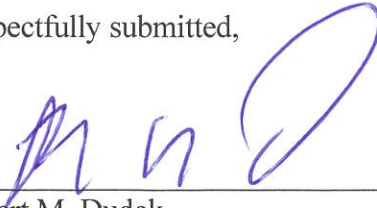
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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 extension of thirty (30) days from August 12, 2022 until September 12, 2022**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

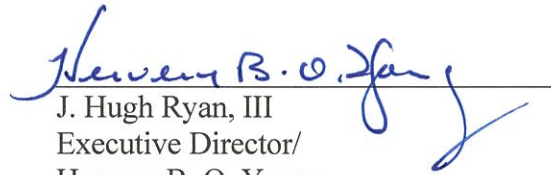
Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender



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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 12<sup>th</sup> day of August, 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 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 12th day of August, 2022.

Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT