

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 26 2022
SC Court of Appeals

Appeal from Aiken County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAE'KWON JAHEEM 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

Counsel for Dae'Kwon Jaheem Simmons respectfully requests a **final extension of thirty (30) days, from August 26, 2022 until September 26, 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 26, 2022. The Court has granted counsel three previous extensions.
2. Counsel for Dae'Kwon Jaheem Simmons 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.

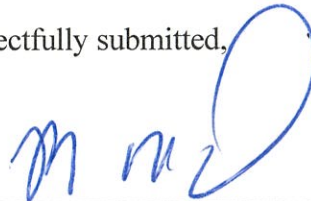
3. Counsel, with co-counsel Kathrine H. Hudgins, is working on the petition for writ of certiorari in the death penalty case of State v. Jerome Jenkins, Jr., which will be filed with the United States Supreme Court on or before September 6, 2022, likely Wednesday, August 31, 2022. Counsel is also working on the petition for writ of certiorari in the murder case of Justin Jamal Warner v. State, which filed with the United States Supreme Court on or before September 6, 2022, likely tomorrow August 26, 2022. Counsel has also been working on the case of The State v. Diante Jermaine Willis with the hope of filing the brief and designation in that case with this Court of Wednesday, August 31, 2022. 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 this Court on July 27, 2022. Counsel filed the amended final reply brief of appellant in the case of The State v. Bryan Austin Seidle with this Court 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 State v. William Outler, Jr., with this Court 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 this Court on July 18, 2022. Counsel was out of town teaching error preservation in courtroom exercises at the PD-103 three day seminar in Greenville from Wednesday, July 6, 2022, until Friday, July 8, 2022. Counsel was out of the office due to an extended illness from Tuesday, June 21, 2022, until Thursday, June 30, 2022. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight.**

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.

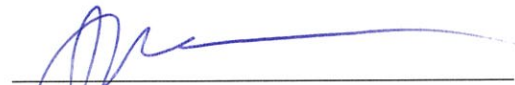
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2022. That extended, emailed general consent was dated July 27, 2022.

WHEREFORE, the undersigned counsel would respectfully request **a final extension of thirty (30) days, from August 26, 2022 until September 26, 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 26th day of August, 2022.

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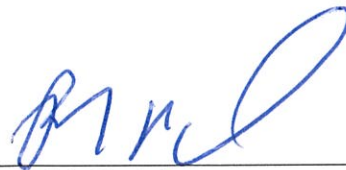
DAE'KWON JAHEEM SIMMONS,

APPELLANT.

APPELLATE CASE NO. 2021-000802

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 26th day of August, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Dudek, Robert](#); [Angela Brown](#); [Matthews, Lindsey](#)
Subject: 2021-000802 The State v. Dae"Kwon J. Simmons
Date: Friday, August 26, 2022 9:16:00 AM
Attachments: [2021-000802 The State v. Dae"Kwon J. Simmons - Motion for Fourth Extension.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Fourth Motion for an Extension of Time and accompanying Certificate of Service which will be filed today, August 26, 2022, with the Court of Appeals via email filing.

Respectfully,
Kaylynn

Kaylynn Warren

Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330