

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 31 2022
SC 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 seven (7) business days, from August 31, 2022 until Friday, September 9, 2022**, in which to file the initial brief of appellant and designation of matter in this case. *Counsel will file the brief before that 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, August 31, 2022. The Court has granted counsel four 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 that no further extension requests will be required.

3. Counsel, with co-counsel Kathrine H. Hudgins, is today, August 31, 2022, filing the petition for writ of certiorari in the death penalty case of State v. Jerome Jenkins, Jr., with the United States Supreme Court. Counsel also filed the petition for writ of certiorari in the murder case of Justin Jamal Warner v. State, with the United States Supreme Court on August 26, 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 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 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.**

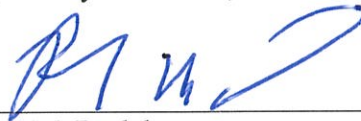
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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

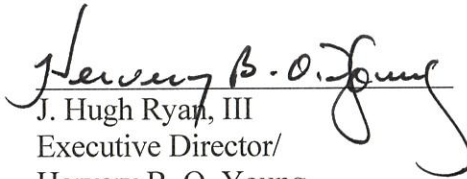
General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2022. That extended, emailed general consent was dated July 27, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final seven (7) business day extension until Friday, September 9, 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 brief before that deadline if possible.* 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/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 31st day of August, 2022.

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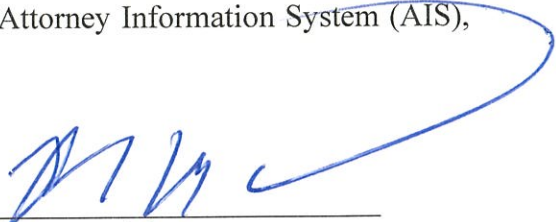
DIANTE JERMAINE WILLIS,

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 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 31st day of August, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Matthews, Lindsey](#)
To: [SC - BROWN MELODY](#)
Cc: [SC - BROWN ANGELA](#); [Dudek, Robert](#)
Subject: 2021-001466 The State v. Diante Jermaine Willis
Date: Wednesday, August 31, 2022 12:42:00 PM
Attachments: [2021-001466 The State v. Diante Jermaine Willis - 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