

RECEIVED
Sep 16 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DONOVAN TIRRELL BRANNON,

APPELLANT.

APPELLATE CASE NO. 2022-000015

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

Counsel for Donovan Tirrell Brannon respectfully requests a **final extension of thirty (30) days, from September 19, 2022 until October 19, 2022**, in which to file the initial brief of appellant and designation of matter in this case. **Counsel will file the initial brief of appellant and designation of matter before the 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 on Monday, September 19, 2022. The Court has granted counsel four previous extensions.

2. Counsel for Donovan Tirrell Brannon respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. The transcript in this murder case is 1,312 pages in length. 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 is presenting on the Case Law Update at the Public Defender Conference, in North Myrtle Beach, South Carolina, on September 19, 2022, and will be at that convention September 19-22, 2022. Counsel filed a Reply Brief with this Court on Friday, September 16, 2022 in the case of Shannon Robinson v. State. Counsel plans to file the brief and designation of matter in the murder, Aiken v. Byers 410 S.C. 534, 765 S.E.2d 572 (2014) case of The State v. Dae'Kwon Jaheem Simmons with this Court on Monday, September 26, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Diante Jermaine Willis with this Court on September 9, 2022. Counsel, with co-counsel Kathrine H. Hudgins, filed the petition for writ of certiorari in the death penalty case of State v. Jerome Jenkins, Jr., with the United States Supreme Court on August 31, 2022. Counsel 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 State v. Jonathan Richard Rackley with this Court on July 18, 2022. 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 also must file the Brief of Petitioner in the cross certiorari

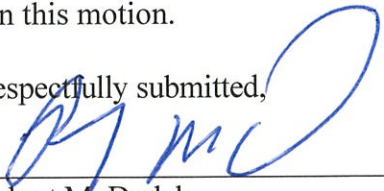
granted case of State v. Robert Geter with the Supreme Court on October 7, 2022, and the Brief of Petitioner with the Supreme Court in the murder case of State v. Gregg Pickrell on October 10, 2022. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

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.

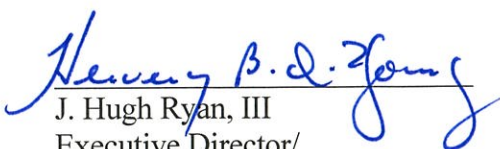
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2022. That extended, emailed general consent was dated August 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until October 19, 2022**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstance. **Counsel regrets the necessity of this final extraordinary extension request but it is absolutely necessary given counsel present caseload and responsibilities.** 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/

This 16th day of September, 2022.

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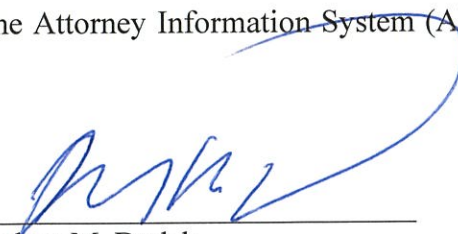
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APPELLANT.

APPELLATE CASE NO. 2022-000015

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 16th day of September, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT