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Oct 19 2022

SC Court of Appeals

THE 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 October 19, 2022 until November 18, 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 Wednesday, October 19, 2022. This Court has granted counsel five previous extensions.

2. Counsel for Donovan Tirrell Brannon respectfully submits that extraordinary circumstances exist which warrant the granting of final extension of time. The transcript in this murder case over 1,300 pages in length, and counsel's caseload below unfortunately makes this extension necessary. 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 two issue merit initial brief of appellant and designation of matter in the murder case of The State v. Dionte J'Chon Habersham with this Court yesterday on October 18, 2022. Counsel, with co-counsel Kathrine H. Hudgins, filed the reply brief in the death penalty case of Jerome Jenkins, Jr., v. South Carolina, with the United States Supreme Court on Monday, October 17, 2022. Counsel filed the brief of petitioner in the murder case of The State v. Robert Xavier Geter with the Supreme Court on October 7, 2022. Counsel filed the brief of petitioner in the murder case of The State v. Gregg Pickrell with the Supreme Court on October 7, 2022. In addition, Counsel will be filing the brief of petitioner in the death penalty case of Marion Alexander Lindsey v. The State, along with co-counsel, with the Supreme Court on Wednesday, October 28, 2022. Counsel is also presently scheduled to testify at the death penalty post-conviction relief hearing in the case of Ricky Lee Blackwell v. State on October 31, 2022. Counsel will be filing the petition for writ of certiorari in the case of David M. Dixon v. The State with the Supreme Court on Monday, October 31, 2022. Further, Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Dae'Kwon

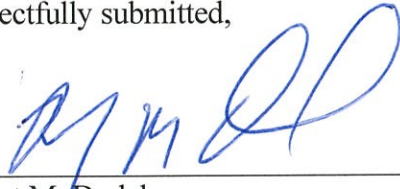
Jaheem Simmons with this Court on September 26, 2022. Counsel presented the Case Law Update PowerPoint presentation at the Annual Public Defender Conference, in North Myrtle Beach, South Carolina, which was held September 19-21, 2022. Counsel filed the reply brief of petitioner in the case of Shana Robinson v. State with this Court on September 16, 2022. Counsel filed the initial brief of appellant and designation of matter in the murder 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 Jerome Jenkins, Jr. v. South Carolina, 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. South Carolina, with the United States Supreme Court on August 26, 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. **Counsel will not request any further extensions in this case absent serious illness or a family emergency.**

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 October 31, 2022. That extended, emailed general consent was dated September 28, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final extension of thirty (30) days, from October 19, 2022 until November 18, 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 very busy caseload as seen above, and his responsibilities as the Chief Appellate Defender.** Counsel requests that the 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 19th day of October, 2022.

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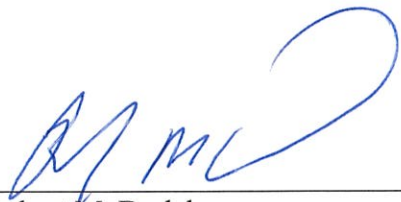
DONOVAN TIRRELL BRANNON,

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 19th day of October, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Matthews, Lindsey](#)
To: [SC - BROWN MELODY](#)
Cc: [SC - BROWN ANGELA](#); [Dudek, Robert](#)
Subject: 2022-000015 The State v. Donovan Tirrell Brannon
Date: Wednesday, October 19, 2022 8:56:00 AM
Attachments: [2022-000015 The State v. Donovan Tirrell Brannon - Motion for Sixth Extension.pdf](#)

Attached is a copy of a motion for sixth 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
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P.O. Box 11589
Columbia, SC 29201
Phone: (803) 734-1330