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Mar 06 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dillon County

Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EARL GENE JOHNSON, JR.,

APPELLANT

APPELLATE CASE NO. 2022-001045

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

Counsel for Earl Gene Johnson respectfully requests a thirty (30) day extension from March 6, 2023 until April 5, 2023, in which to serve and 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. This is a third request for an extension. 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.
2. Counsel will appear before the Supreme Court for oral argument in the case of

The State v. James Caleb Williams on Wednesday, March 8, 2023. Counsel conducted a CLE presentation and training on Preserving the Record for Appellate Review for the Sixteenth Circuit Public Defender's Office on March 3, 2023. Counsel was a panelist for a CLE presentation on Criminal Practice in South Carolina for the South Carolina Bar CLE Division on February 24, 2023. Counsel conducted a CLE presentation and training on Preserving the Record for Appellate Review for the Fifteenth Circuit Public Defender's Office on February 22, 2023. Counsel filed the brief of petitioner in the case of James A. Gardner v. State, with this Court on Wednesday, January 18, 2023. Counsel filed the *Anders* Brief of Appellant and Record on Appeal in the murder case of Kenneth Tyrone Wherry v. The State with this Court on January 12, 2023. Counsel conducted a CLE presentation and training on Preserving the Record for Appellate Review for the Fifth Circuit Public Defender's Office on January 6, 2023. Counsel filed the Initial Brief of Respondent in the case of The State v. Bowen Gray Turner In Re: Victim C.B. with this Court on December 22, 2022. Counsel filed the Brief of Respondent in the case of John Perry v. The State with the Supreme Court on December 15, 2022. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Marcus McFadden v. The State with the Supreme Court on December 14, 2022. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals and the Appendix in the murder case of Malette Denise Kimbrough v. The State with the Supreme Court on December 1, 2022. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

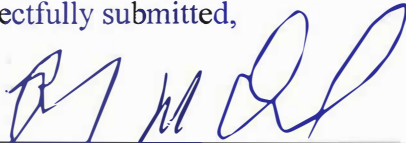
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be

requested.

4. On February 28, 2023, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from March 6, 2023 until April 5, 2023. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

[Faint, illegible text]

This 6th day of March, 2023.

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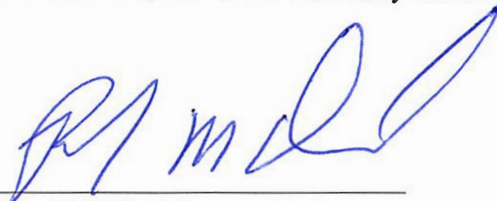
EARL GENE JOHNSON, JR.,

APPELLANT

APPELLATE CASE NO. 2022-001045

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 6th day of March, 2023.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [William Blich](#)
Cc: [Dudek, Robert](#); [Caroline Collins](#)
Subject: 2022-001045 The State v. Earl Gene Johnson, Jr.
Date: Monday, March 6, 2023 9:20:00 AM
Attachments: [2022-001045 The State v. Earl Gene Johnson, Jr. Third Motion for Extension and COS.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Third Motion for Extension and accompanying Certificate of Service which will be filed today, March 6, 2023, with the Court of Appeals via OneDrive.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330