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Apr 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Kristi F. Curtis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEMETRIUS ALEXANDER BROWN,

APPELLANT.

APPELLATE CASE NO. 2022-001360

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

Counsel for Demetrius Alexander Brown respectfully requests a **fifth and final ten (10) business day extension from April 28, 2023, until May 12, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fifth 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 with the Court today.
2. Counsel for Demetrius Alexander Brown respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel is**

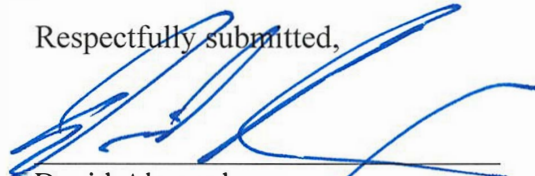
currently working on the brief in opposition in South Carolina v. Angela Brewer, in which the State is seeking certiorari in the United States Supreme Court. Counsel took over this case from an appellate defender who recently departed this office for other employment. Counsel has also been heavily involved in two death penalty cases, State v. Timothy Ray Jones, Jr. and Marion Lindsey v. State, both of which required work on filings with co-counsel with short deadlines.

3. Counsel makes this request in good faith and not for purpose of delay. Counsel filed the Petition for Writ of Certiorari in the case of Roy Moore v. The State with the Supreme Court on April 28, 2023. Along with co-counsel, counsel filed the reply brief of petitioner in the death penalty case of Marion Alexander Lindsey v. The State with the Supreme Court on April 28, 2023. Counsel filed the Brief of Appellant in the case of The State v. Demetrus Lawson McClary with the Court of Appeals on April 24, 2023. Counsel filed the Petition for Rehearing in the case of The State v. Mary Ann German with the Supreme Court on April 19, 2023. Counsel filed the Petition for Rehearing in The Matter of The Care and Treatment of John Shelby Wells with the Court of Appeals on April 14, 2023. Along with co-counsel, counsel filed the Petition for Rehearing in the death penalty case of The State v. Timothy Ray Jones, Jr., with the Supreme Court on April 13, 2023. On March 30, 2023, Counsel testified in the death penalty PCR hearing in the case of Ricky Blackwell v. The State. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Wiley Chapman with the Court of Appeals on March 23, 2023.

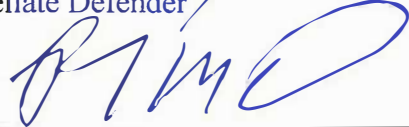
4. On April 28, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through May 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final ten (10) business day extension from April 28, 2023, until May 12, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

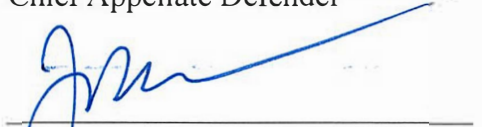
Respectfully submitted,



David Alexander
Appellate Defender



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 28th day of April, 2023.

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APPELLATE CASE NO. 2022-001360

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 28th day of April, 2023.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: ["mbrown@scag.gov"](mailto:mbrown@scag.gov); ["abennett@scag.gov"](mailto:abennett@scag.gov)
Cc: [Alexander, David](#)
Subject: 2022-001360 The State v. Demetrius Alexander Brown Fifth Motion for Extension
Date: Friday, April 28, 2023 12:42:00 PM
Attachments: [2022-001360 The State v. Demetrius Alexander Brown Fifth Motion for Extension.pdf](#)

Good Afternoon,

Please find attached for service in the above-referenced case the Fifth Motion for Extension in which to serve and file Initial Brief of Appellant and Designation of Matter which will be filed today, April 28, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

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Appellate Division
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