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Aug 30 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEAVION JAHQUWAN BURGESS,

APPELLANT

APPELLATE CASE NO. 2022-001092

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

Counsel for Deavion Jahquwan Burgess respectfully requests a **fourth and final thirty (30) day extension from August 30, 2023 until September 29, 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 fourth 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 Deavion Jahquwan Burgess 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 filed the Brief of Appellant and the Record on Appeal in the case of The State v. Ricky D. Edwards with this Court on Friday, August 18, 2023. Counsel filed the Petition for Rehearing in the case of The State v. John Ernest Perry with the Supreme Court on August 9, 2023. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Shannon Lamont Ziquan Johnson with this Court on August 7, 2023. Counsel appeared as a witness in the PCR hearing in the capital appeal case of The State v. Ricky Lee Blackwell at the Laurens County Courthouse on July 31, 2023. Counsel filed the initial brief of appellant and designation of matter in the three-issue murder case of The State v. Larry Ja Juan Scipio with this Court on July 21, 2023. Counsel filed the Petition for Stay of Execution in the case of The State v. Timothy Ray Jones with the Supreme Court on July 20, 2023. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Pedro Cervantes Rodriguez with this Court on Wednesday, July 19, 2023. Counsel, with co-counsel Lara M. Caudy, filed the Petition for Rehearing in the case of The State v. Tammy Caison Moorer with this Court on July 19, 2023. Counsel, with co-counsel David Alexander, filed the Petition for Rehearing in the death penalty case of Andres Antonio Torres v. The State with the Supreme Court on July 11, 2023. Counsel was a trainer on error preservation and a co-group session leader at the Public Defense 103 Seminar in Greenville, South Carolina from July 5-7, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the murder case of The State v. Quinterious R. Truesdale with this Court on June 30, 2023. Counsel also filed the Initial Brief of Appellant and Designation of Matter in the murder case of The State v. Gabriel Dantray Curry with this Court on June 30, 2023. *Finally, the present case was inadvertently not calendared correctly as to the*

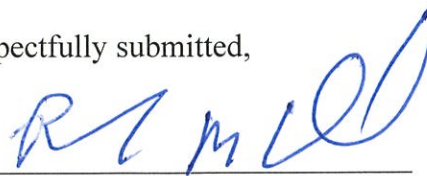
length of the transcript, and the due date to undersigned counsel's disadvantage. Counsel also has extensive administrative duties as the Chief Appellate Defender.

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.

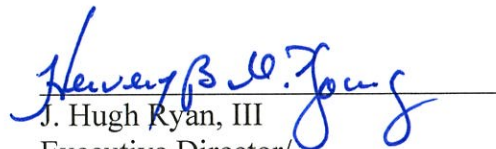
5. On August 1, 2023, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from August 30, 2023 until September 29, 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,



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 30th day of August, 2023.

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APPELLATE CASE NO. 2022-001092

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 30th day of August, 2023.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Dudek, Robert](#); [Angela Brown](#)
Subject: 2022-001092 The State v. Deavion Burgess
Date: Wednesday, August 30, 2023 9:00:00 AM
Attachments: [2022-001092 The State v. Deavion Jahquwan Burgess Fourth Motion for Extension and COS.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fourth Motion for Extension which will be filed today, August 30, 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