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Dec 20 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT

APPELLATE CASE NO. 2023-000179

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

Counsel for Tirik Jaquan Johnson-Epps respectfully requests a **fifth and final ten (10) business day extension from Wednesday, December 20, 2023 until Tuesday, January 9, 2024, due to time missed from work due to illness**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. **Counsel will file the brief before this deadline if possible.** 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 Tirik Jaquan Johnson-Epps 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 in The State v. Martel Gaddis with this Court on December 12, 2023. Counsel, along with co-counsel David Alexander and Lara M. Caudy, filed the Petition for Writ of Certiorari in death penalty the case of The State v. Timothy Ray Jones with the United States Supreme Court on Thursday, November 16, 2023. Counsel appeared before this Court for oral argument in the seven legal issue murder appeal case of The State v. Keirin M. Dennis on November 16, 2023. Counsel presented on Preserving the Trial Record for Appellate Review and Post-Conviction Relief at the Public Defense 101 Conference Seminar on November 21, 2023 in Columbia, SC. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Joshua Maiden v. The State with the Supreme Court on November 2, 2023. Counsel appeared before the Supreme Court for Oral Argument at Furman University in the case of The State v. Gregg Pickrell on October 24, 2023. Counsel filed the Brief of Respondent in the case of The State v. Phillip Wayne Lowery with the Supreme Court on October 18, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jason Simmons v. The State with the Supreme Court on October 13, 2023. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

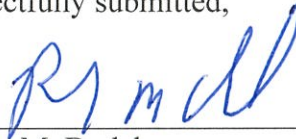
4. Counsel makes this request in good faith and not for purpose of delay. *Counsel regrets the necessity of this Fifth Extension Request but due to illness it respectfully could not be avoided.* Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less

extensions will need to be requested.

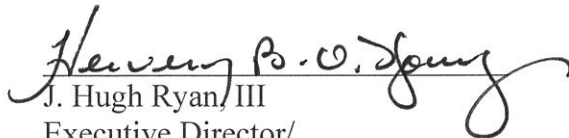
5. On December 4, 2023, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final ten (10) business day extension from Wednesday, December 20, 2023 until Tuesday, January 9, 2024, due to time missed from work due illness**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances. **Counsel will file the brief before this deadline if possible.**

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 20th day of December, 2023.

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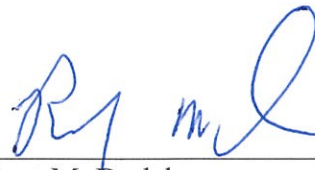
TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT

APPELLATE CASE NO. 2023-000179

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 20th day of December, 2023.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Dudek, Robert](#); [Angela Brown](#)
Subject: 2023-000179 The State v. Tirik Jaquan Johnson-Epps
Date: Wednesday, December 20, 2023 8:24:00 AM
Attachments: [2023-000179 The State v. Tirik Jaquan Johnson-Epps Fifth Motion for Extension and COS.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fifth Motion for Extension which will be filed today, December 20, 2023, with the Court of Appeals via email filing.

Respectfully,
Kaylynn

Kaylynn Warren

Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330