

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

G.D. Morgan, Jr., Circuit Court Judge

RECEIVED

May 17 2024

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TOMMY L. LONG,

APPELLANT

APPELLATE CASE NO. 2023-001183

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

Counsel for Tommy L. Long respectfully requests a **fifth and final fifteen (15) day extension until June 3, 2024**, in which to 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. The Court has granted counsel four previous extensions.
2. Counsel for Tommy L. Long respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel tested positive for Covid last weekend and has missed this week of work because of this**

illness. The transcript in this case is 562 pages. 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. **Counsel will make every effort to file the brief prior to the deadline.**


3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Adam D. Lawless in the Court of Appeals on April 26, 2024. Counsel filed the Return to Petition for Writ of Certiorari in the case of Tyreek Hayes v. The State with the Supreme Court on April 17, 2024. Counsel filed the Brief of Appellant in the case of In the Matter of Christopher T. Wilder with the Court of Appeals on April 3, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Daryl L. Sutton v. The State with the Supreme Court on April 1, 2024. Counsel filed the Brief of Appellant in the case of The State v. Thomas S. McFadden with the Court of Appeals on March 14, 2024. Counsel filed the Brief of Petitioner in the case of The State v. Rashawn Vertez Carter with the Supreme Court on February 20, 2024.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel hopes to file the brief and designation in advance of the requested deadline.


5. On April 30, 2024, 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, 2024.

6. WHEREFORE, the undersigned counsel would respectfully request a **fifth and final fifteen (15) day extension until June 3, 2024**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will make every effort to file the brief prior to the deadline.**


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 17th day of May, 2024.

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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 17th day of May, 2024.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT