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Dec 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

APPELLANT,

V.

JOSHUA FELIPE SIMMONS,

RESPONDENT

APPELLATE CASE NO. 2023-001978

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

Counsel for Joshua Felipe Simmons, respectfully requests a **fourth and final thirty (30) day extension from December 13, 2024, until January 13, 2025**, in which to serve and file the initial brief of respondent and designation of matter in the above-referenced case. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of respondent and designation of matter in this case are due to be served and filed with the Court on December 13, 2024.

2. Counsel for Joshua Felipe Simmons respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.

3. Counsel filed the *Johnson* Petition for Writ of Certiorari and the Appendix in the case of Jontez M. Ward v. The State with the Supreme Court on December 11, 2024. Counsel

filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Michael J. Smith with the Court of Appeals on December 9, 2024. Counsel filed the Petition for Writ of Certiorari, the Brief of Petitioner Pursuant to *White v. State*, and the Appendix in the case of Matthew L. Jackson v. The State with the Supreme Court on December 3, 2024. Counsel filed the *Johnson* Petition for Writ of Certiorari and the Appendix in the case of Dante Zachius Wheeler v. The State with the Supreme Court on November 20, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Steve Lester with the Court of Appeals on November 20, 2024. Counsel filed the Reply to Return to Petition for Writ of Certiorari in the case of Ben Robert Stewart v. The State with the Supreme Court on November 14, 2024. Counsel filed the Petition for Rehearing in the case of Brian Foster v. The State with the Court of Appeals on November 14, 2024. Counsel filed the Return to Petition for Writ of Certiorari to the Court of Appeals in the case of In the Matter of the Care and Treatment of James L. Williford with the Supreme Court on November 5, 2024. Counsel filed the *Anders* Brief of Appellant and the Record on Appeal in the case of The State v. Felicia Danielle Turnage with the Court of Appeals on November 1, 2024. Counsel filed the *Anders* Brief of Appellant and the Record on Appeal in the case of The State v. Vincent Dwight with the Court of Appeals on October 30, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Wayne Hankinson v. The State with the Supreme Court on October 28, 2024. Counsel filed the Motion to Hold Appeal in Abeyance Pending Receipt of Transcript in the case of The State v. Tashan Antoine Carson with the Court of Appeals on October 28, 2024. Counsel attended the annual South Carolina Public Defender Conference from October 14-16, 2024.

4. Counsel makes this request in good faith and not for purpose of delay.

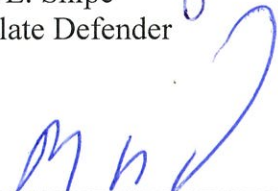
5. On November 27, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2024.

WHEREFORE, the undersigned counsel respectfully requests a **fourth and final thirty (30) day extension from December 13, 2024, until January 13, 2025**, in which to serve and file the initial brief of respondent and designation of matter in this case based upon the above exigent circumstances. Counsel respectfully requests that the time limits for filing the initial brief of respondent and designation of matter be held in abeyance pending a ruling on this motion.

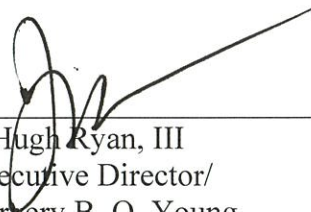
Respectfully submitted,



Sarah E. Shipe
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 13th day of December, 2024.

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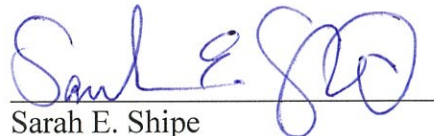
JOSHUA FELIPE SIMMONS,

RESPONDENT

APPELLATE CASE NO. 2023-001978

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 of time to serve and file the initial brief of appellant and designation of matter in the above-referenced case has been served upon Brian H. Gibbs, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 13th day of December, 2024.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR RESPONDENT

From: [Warren, Kaylynn](#)
To: [Brian Gibbs](#)
Cc: [Shipe, Sarah](#); [Grace Sommer](#)
Subject: 2023-001978 The State v. Joshua Felipe Simmons
Date: Friday, December 13, 2024 9:55:00 AM
Attachments: [2023-001978 The State v. Joshua Felipe Simmons Fourth Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fourth Motion for Extension to File the Initial Brief of Respondent which will be filed today, December 13, 2024, 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