

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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JUL 11 2018

SC Court of Appeals

Appeal from Charleston County

Honorable Roger M. Young, Sr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DASHAWN LIVAUGHN SIMMONS,

APPELLANT

APPELLATE CASE NO. 2018-001128

PETITION FOR EXTENSION TO ORDER THE TRANSCRIPT

The undersigned counsel respectfully requests a thirty-day extension in which to order the transcript in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The notice of intent to appeal was filed with this Court on June 15, 2018 by Mr. James Falk.
2. This office contacted Ms. Martha Runey, a public defender with the Public Defender's Office in Charleston Count who was listed as counsel of record at one point for appellant.
3. Ms. Runey has informed our office on July 10, 2018, that she did not represent Mr. Simmons and that Mr. Peter McCoy represented Mr. Simmons at trial.

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4. The office of Peter McCoy, Esquire, informed our office today that he was retained. Consequently, given the time restraints we are sending appellant an indigency affidavit today directly so that we can ascertain whether or not he qualifies for representation on appeal by this office.

5. Consequently, we are requesting this Court for a thirty-day extension to order the transcript while we determine if Ms. Simmons is eligible for representation on appeal by this office.

6. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to order the transcript. Counsel respectfully requests that the time limits for ordering the transcript be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

July 11, 2018