

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Richland County

Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEMARCO JOHNSON,

APPELLANT

RECEIVED

FEB 19 2019

SC Court of Appeals

APPELLATE CASE NO. 2018-001424

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

Counsel for Demarco Johnson respectfully requests a **fourth and final** extension of thirty (30) days **until March 21, 2019**, days in which to file the Initial Brief of Appellant and Designation of Matter in this 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 are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Demarco Johnson respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

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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 petition for writ of certiorari in the case of The State v. Gabriel Gratto with the Supreme Court on February 14, 2019. Counsel filed the petition for writ of certiorari in the case of The State v. Jovan Mitchell with the Supreme Court on January 22, 2019. Counsel filed the petition for writ of certiorari in the case of The State v. Timothy Beheler with the Supreme Court on January 22, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Peter Coffey with this Court on January 9, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Michael Seals with this Court on January 3, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tyshun Bessellieu with this Court on January 2, 2019. Counsel filed the brief of respondent in the case of Eugene Austin Gardner, III v. The State with the Supreme Court on December 31, 2018. Counsel filed the petition for rehearing in the case of The State v. Robin Herndon with this Court on December 21, 2018.

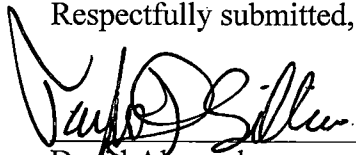
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office consents to this request shown by signature below.

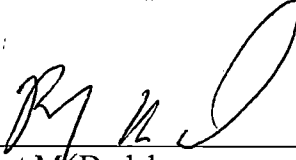
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **March 21, 2019**, in which to file the initial brief of appellant and

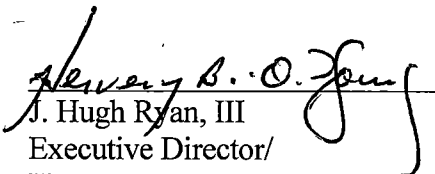
designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
for David Alexander  
Appellate Defender

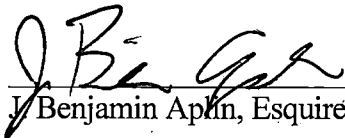
Attorney for Appellant

  
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 19th day of February, 2019.

I consent:

  
Benjamin Apfin, Esquire