

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Beaufort County

Deadra L. Jefferson, Circuit Court Judge

THE STATE,

v.

NICK RUSSELL EVANGELISTA,

RESPONDENT  
APPELLANT

Appellate Case No. 2018-000448

PETITION FOR EXTENSION TO FILE  
INITIAL REPLY BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a **third and final ten day extension until September 5, 2019**, in which to file the initial reply brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial reply brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed a three issue merit initial brief of appellant and designation of matter in the murder conviction case of The State v. Gregg Pickrell with this Court on Friday, August 23, 2019. Counsel is working on the case of Al Green v. State, wherein the petition for writ of certiorari is due with the Supreme Court this Wednesday, August 28, 2019, and it involves a very lengthy Appendix. Counsel filed the return to petition for rehearing in the case of The State v. James Scott

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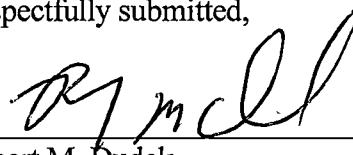
Cross with the Supreme Court on August 15, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Darrell Eugene Blackwell with this Court on August 12, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sylvester Keejuan King v. The State with the Supreme Court on August 9, 2019. Counsel filed the petition for rehearing in the case of The State v. John M. Ghent, Jr., with this Court on August 8, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Shana Robinson v. The State with the Supreme Court on July 31, 2019. Counsel filed the petition for rehearing in the case of The State v. Ahshaad Mykiel Owens with this Court on July 25, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Abin Lee Lowman with this Court on July 24, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Andre Nicholas Crawford with this Court on July 15, 2019. Counsel filed the petition for rehearing in the case of The State v. Jalann Williams with the Supreme Court on July 1, 2019. Counsel prepared a PowerPoint on Record Preservation and Making a Record and was on the faculty of the Public Defense 103 training in Greenville, South Carolina on July 1-3, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Karacus K. Freeman v. The State with the Supreme Court on June 28, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kwamaine Jarelle Ross with this Court on June 21, 2019. **Counsel has extensive administrative duties as the Chief Appellate Defender, including training four less experienced appellate defenders and reviewing all their filings in advance, and administrative and Appellate Project oversight.**

3. This request is made in good faith, and not for purposes 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.

4. As indicated by the counsel below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **third and final ten day extension until September 5, 2019**. Counsel respectfully requests that the time limits for filing the initial reply brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

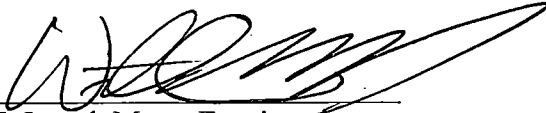


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Robert M. Dudek  
Chief Appellate Defender

This 26th day of August, 2019

I DO NOT OPPOSE:



For W. Joseph Maye, Esquire