

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Charleston County

Roger M. Young, Circuit Court Judge

ORIGINAL

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SEP 13 2019

SC Court of Appeals

RESPONDENT,

THE STATE,

V.

DASHAUN LIVAUGHN SIMMONS,

APPELLANT

APPELLATE CASE NO. 2018-001128

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

Counsel for Dashaun Livaughn Simmons respectfully requests a **final thirty (30) day extension, until October 14, 2019**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. 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.

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

3. Counsel plans to file the initial brief of appellant and designation of matter in the case of The State v. Isaiah Gadson, Jr., which was a lengthy murder trial from a 1980 murder – criminal sexual conduct case involving complex DNA evidence tested once DNA testing became available and during its changes, with this Court today, September 13, 2019 or Monday, September 16, 2019. Counsel is working on the present case, which was a lengthy trial from an attempted murder – armed robbery case. Counsel is also presently preparing his Case Law Update PowerPoint presentation for the 2019 annual Public Defender Conference, which will be held in Myrtle Beach, South Carolina on September 23-25, 2019. Counsel has extra Public Defender Conference duties this year that have demanded counsel’s attention in addition to the preparation of the Case Law Update presentation which is time consuming. Counsel filed the initial reply brief of appellant in the case of The State v. Nick Russell Evangelista with this Court on September 5, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Al Martinez Green v. The State with the Supreme Court on August 28, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Gregg Pickrell with this Court on August 23, 2019. Counsel filed the return to petition for rehearing in the case of The State v. James Scott 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,

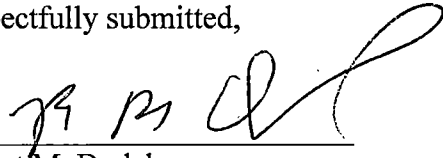
2019. Counsel filed the petition for rehearing in the case of The State v. John M. Ghent, Jr., with this Court on August 8, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Shana Robinson v. The State with the Supreme Court on July 31, 2019. Counsel filed 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 has extensive administrative duties as the Chief Appellate Defender. Counsel also has to discuss the cases of four inexperienced Appellate Defenders with them prior to briefs or certiorari petitions being drafted, and then read all drafts in advance of filing. Counsel also has Appellate Project oversight duties, and he has been interviewing for an open staff position as well. Counsel regrets the necessity of this extension request, but it is absolutely necessary under the circumstances.**

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.

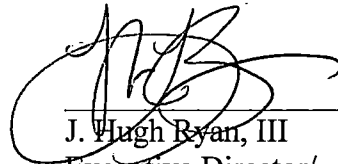
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until October 14, 2019**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Attorney for Appellant



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 September.

I consent:



William M. Blitch, Esquire