

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**ORIGINAL**

\_\_\_\_\_  
Certiorari to Charleston County

Roger M. Young, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

v.

DASHAUN LIVAUGHN SIMMONS,

**RECEIVED**

OCT 14 2019

APPELLANT

**SC Court of Appeals**

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 seven (7) day extension until October 21, 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 by Wednesday, October 16, 2019, 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 is filing the two issue petition for writ of certiorari and accompanying appendix in the case of The State v. Ahshaad Mykiel Owens with the Supreme Court today, October 14, 2019. Counsel is also working on the present case, which was a lengthy murder trial. Counsel was recently able to locate a missing pre-trial transcript in this case, and he is writing the two issue merit brief. In addition, Counsel recently traveled out of town for his son's wedding, causing him to be out of the office for several days. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. William C. (Billy) Sellers with this Court on October 2, 2019. Counsel will also file the petition for writ of certiorari in the Supreme Court on Friday, October 18, 2019, and he will travel to Clemson, South Carolina to argue State v. Deshaun Franks on Tuesday, October 22, 2019 there before this Court. Counsel presented the Case Law Update PowerPoint presentation at the annual Public Defender Conference, which was held in Myrtle Beach, South Carolina, on September 23-25, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joseph Michael Manners v. The State with the Supreme Court on September 20, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Isaiah Gadson, Jr., with this Court on September 13, 2019. 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

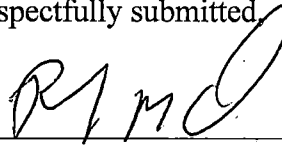
The State v. Gregg Pickrell with this Court on August 23, 2019. Counsel filed the return to petition for rehearing in the case of The State v. James Scott Cross with the Supreme Court on August 15, 2019. **Counsel has extensive administrative duties as the Chief Appellate Defender. Counsel also has to discuss the cases of four inexperienced Appellate Defenders with them in advance and read all of their filings in advance. Counsel also has many administrative duties, Appellate Project oversight duties, and he has been interviewing for open staff positions 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 seven (7) day extension until October 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 will file the Initial Brief of Appellant and Designation of Matter by Wednesday, October 16, 2019, if possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

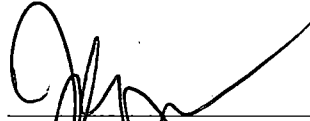
Respectfully submitted



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant



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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 14th day of October, 2019.

I consent:



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William M. Blich, Esquire