

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Hampton County

Carmen T. Mullen, Circuit Court Judge

THE STATE,

V.

JOHNNIE LEE MCKNIGHT,

ORIGINAL
RECEIVED
NOV 04 2019
SC Court of Appeals
RESPONDENT

APPELLANT

Appellate Case No. 2019-000219

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

Counsel for Johnnie Lee McKnight respectfully requests an extension of **thirty (30) days, until December 4, 2019**, 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. 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 Johnnie Lee McKnight 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.

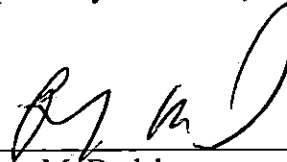
3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James A. Gardner v. The State with the Supreme Court on October 28, 2019. Counsel also had an oral argument before this Court on October 22, 2019 in State v. Deshandon Franks in Clemson, South Carolina. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dashaun Livaughn Simmons with this Court on October 21, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jakeivan A. Pulley v. The State with the Supreme Court on October 18, 2019. Counsel filed 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 on October 14, 2019. 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 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 has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training four less experienced appellate defenders and reviewing all their filings in advance.**

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.

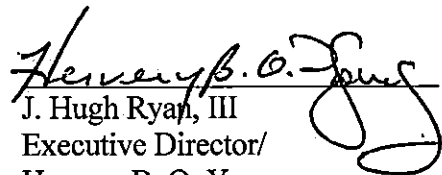
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, until December 4, 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,




Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 4th day of November, 2019.

I consent:


for Melody J. Brown, Esquire