

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Certiorari to Richland County

DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RECEIVED
JAN 17 2020
RESPONDENT,

SC Court of Appeals

v.

ROBERT XAVIER GETER,

APPELLANT

APPELLATE CASE NO. 2018-001647

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

Counsel for Robert Xavier Geter respectfully requests a **final extension of fifteen business days, until February 7, 2020**, 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 Robert Xavier Geter 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. **Along with co-counsel, Lara Caudy and David Alexander, counsel is filing the petition for writ of certiorari and accompanying appendices in the death penalty case of Marion Alexander Lindsey v. The State with the Supreme Court today, January 17, 2020.**

Counsel is preparing to file the petition for writ of certiorari and accompanying appendix in the case of The State v. Jonathan Donell Rhodes to the Supreme Court from this Court on January 23, 2020, as co-counsel to Victor Seeger and Lara Caudy. Counsel is also preparing to file the initial brief of appellant and designation of matter in the case of The State v. Johnnie Lee McKnight with this Court on January 28, 2020. Counsel filed the petition for rehearing in the case of The State v. Edward Primo Bonilla with this Court on January 14, 2020. Counsel was co-counsel to Lara Caudy, when they filed the initial brief of appellant and designation of matter in the case of The State v. Tammy Caison Moorner with this Court on January 6, 2020. Counsel filed the return to the State's petition for writ of certiorari in the case of The State v. Joseph Bowers with the Supreme Court on December 27, 2019. Counsel had an oral argument before this Court on December 11, 2019 in The State v. Justin Jamal Warner. Counsel had an oral argument before this Court on December 9, 2019 in The State v. Edward Primo Bonilla. Counsel filed the brief of appellant and designation of matter in the case of The State v. John Andrew Finch with this Court on December 2, 2019. Counsel was co-counsel to Victor Seeger and Lara Caudy, when they filed the petition for rehearing in the case of The State v. Jonathan Donell Rhodes with this Court on November 21, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The

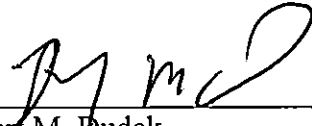
State v. John M. Ghent, Jr., to the Supreme Court from this Court on November 12, 2019. **Counsel has extensive administrative duties as the Chief Appellate Defender. Counsel also has to discuss the cases of four inexperienced Appellate Defenders with them in advance and read all of their filings in advance. Counsel also has many administrative duties and Appellate Project oversight duties. 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.

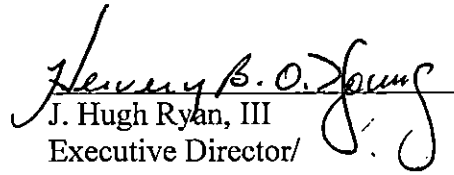
WHEREFORE, the undersigned counsel would respectfully request a **final extension of fifteen business days, until February 7, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

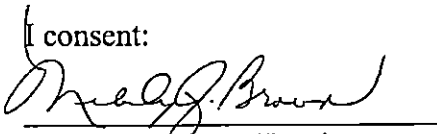
Attorney for Appellant



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 17th day of January, 2020.

I consent:



Melody J. Brown, Esquire