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Apr 27 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

Curnez Ellerbee,

APPELLANT

APPELLATE CASE NO. 2019-000910

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

Counsel for Curnez Ellerbee respectfully requests a **fourth and final thirty (30) day extension, until May 27, 2020** in which to file the initial brief of appellant and designation of matter in the above-referenced 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 in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.

2. Counsel for Curnez Ellerbee 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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Timothy Montez Wright v. State in the Supreme Court on April 23, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Christopher Heller v. State in the Supreme Court on April 15, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Santos Aguilera v. State in the Supreme Court on April 3, 2020.

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.

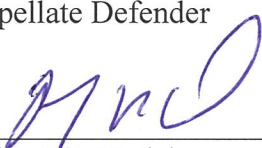
5. Counsel for the Attorney General's office consents to this request.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until May 27, 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 the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

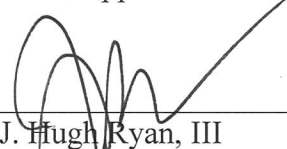
Respectfully submitted,

s/ Joanna K. Delany

Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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 27th day of April, 2020.