

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Greenville County

Letitia H. Verdin, Circuit Court Judge

RECEIVED

May 21 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MALETTE DENISE KIMBROUGH,

APPELLANT

APPELLATE CASE NO. 2019-001013

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

Counsel for Malette Denise Kimbrough respectfully requests a **final thirty-day extension from May 27, 2020 until June 26, 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 Wednesday, May 27, 2020.

2. Counsel for Malette Denise Kimbrough respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time **especially since management of the appellate division is more consuming during the coronavirus with almost all attorneys and support staff working from home.** 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 presently working as lead counsel on two death penalty cases: State v. Jerome Jenkins out of Horry County, and State v. Timothy Jones, Jr., out of Lexington County. Counsel is preparing for an oral argument before this Court on May 27, 2020 in the case of The State v. James Caleb Williams. Counsel is also preparing for an oral argument before this Court on June 3, 2020 in the case of The State v. John Ernest Perry. Counsel had an oral argument before this Court on May 5, 2020 in The State v. Howard James Woods, Jr. Counsel filed a petition for writ of certiorari to this Court and accompanying appendix in The State v. Edward Primo Bonilla, with the Supreme Court on May 4, 2020. Counsel filed the petition for rehearing in the case of The State v. Justin Jamal Warner with this Court on April 22, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Varsheen Antuan Smith with the Court of Appeals on April 21, 2020. Counsel filed the brief of petitioner in the case of The State v. Ahshaad Mykiel Owens with the Supreme Court on April 13, 2020. **Counsel has extensive administrative duties as the Chief Appellate Defender, including Appellate Project oversight duties. Counsel is currently managing the telecommuting of nearly all personnel. 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 regrets the necessity of this highly unusual extension request, but it is absolutely necessary under the**

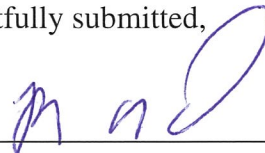
circumstances, and counsel will attempt to get his caseload back to normal as quickly as possible.

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, Melody J. Brown, Esquire, has indicated in writing that she consents to this request.

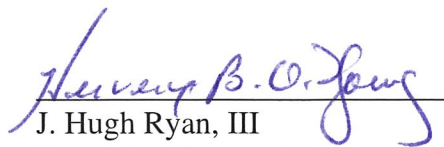
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension from May 27, 2020 until June 26, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for 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/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 21st day of May, 2020

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Letitia H. Verdin, Circuit Court Judge

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THE STATE,

RESPONDENT,

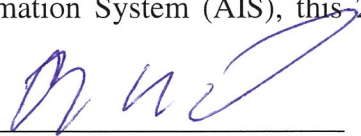
V.

MALETTE DENISE KIMBROUGH,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion for an Extension of Time, in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Melody J. Brown, at the primary e-mail address listed in the Attorney Information System (AIS), this 21st day of May, 2020



Robert M. Dudek
Chief Appellate Defender
ATTORNEY FOR APPELLANT