

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Bamberg County

Thomas L. Hughston, Circuit Court Judge

**RECEIVED**

**May 26 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

RANDY CHESTNUT,

APPELLANT.

APPELLATE CASE NO. 2019-000747

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

Counsel for Randy Chestnut respectfully requests a **fourth and final thirty (30) day extension until June 25, 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. This is a fourth request for an extension. 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 Randy Chestnut 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 currently working on a death penalty appeal in State v Timothy Jones. Counsel filed the brief of appellant and record on appeal in the case of The State v. Alvin Gregory Mitchell, Jr. with the Court of Appeals on May 22, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of James Tytil Wright v. The State with the Supreme Court on April 30, 2020. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Sylvester Ferguson III with the Court of Appeals on April 27, 2020. Counsel filed the brief of appellant and record on appeal The State v. Demarcus Obrien Foster with the Court of Appeals on April 27, 2020. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Harold Gene White, III with the Court of Appeals on April 27, 2020. Counsel filed the brief of appellant in the case of The State v. Derrick Lamar Porter with the Court of Appeals on April 23, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Johnathan Lamar Hillary with the Court of Appeals on April 23, 2020. Counsel filed the brief of appellant and record on appeal in the case of The State v. Pedro A. Grado Torres-Shaw with the Court of Appeals on April 15, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. William Earl Sherley with the Court of Appeals on April 1, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ty'Shun Mario Bessellieu with the Court of Appeals on March 27, 2020. Counsel filed the brief of appellant and record on appeal In the Matter of the Care and Treatment of James Williams with the Court of Appeals on March 13, 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

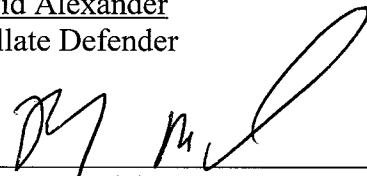
will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On May 20, 2020, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2020.

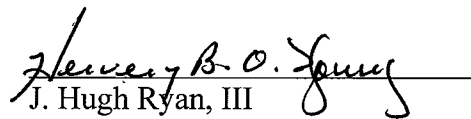
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until June 25, 2020, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

s/David Alexander  
Appellate Defender



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

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CERTIFICATE OF SERVICE  
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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 to File the Initial Brief of Appellant and Designation of Matter in the above-referenced case has been served upon William Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 26th day of May, 2020.

s/David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT