

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County

Eugene C. Griffith, Circuit Court Judge

RECEIVED

Jun 17 2020

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

TIMOTHY RAY JONES, JR.

APPELLANT

APPELLATE CASE NO. 2019-001008

AMENDED PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty-day extension from Wednesday, June 17, 2020 until July 17, 2020 in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed Wednesday, June 17, 2020. Undersigned counsel is lead counsel on this death penalty case, and the death penalty case of State v. Jerome Jenkins out of Horry County. Counsel has a very heavy caseload, and many administrative responsibilities as the Chief Appellate Defender which are more challenging during the coronavirus. Appellate defenders Lara Caudy,

David Alexander, Susan Hackett, and Taylor Gilliam are co-counsel in this case on this case, and they have very busy caseloads, as well.

2. Counsel had a WebEx oral argument before the Court of Appeals on June 3, 2020 in The State v. John Ernest Perry. Counsel filed the brief of appellant and designation of matter in the case of The State v. Gabriel Joyner with the Court of Appeals on May 29, 2020. Counsel had a WebEx oral argument before the Court of Appeals on May 27, 2020 in The State v. James Caleb Williams. Counsel had a WebEx oral argument before the Court of Appeals on May 5, 2020 in The State v. Howard James Woods, Jr. Counsel filed a petition for writ of certiorari to the Court of Appeals and accompanying appendix in The State v. Edward Primo Bonilla with this Court on May 4, 2020. Counsel filed the petition for rehearing in the case of The State v. Justin Jamal Warner with the Court of Appeals 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 this Court on April 13, 2020. **Counsel has extensive administrative duties as the Chief Appellate Defender, including management of the work from home personnel during this coronavirus pandemic; administrative and Appellate Project oversight; and training four less experienced appellate defenders and reviewing all of their filings in advance.**

Appellate Defender Lara Caudy

On May 22, 2020, Counsel Caudy filed the petition for writ of certiorari and accompanying appendix in Marcus Shearin v. The State with this Court. On May 20, 2020, counsel had an oral argument in The State v. Felix Kotowski before this Court. On May 6, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Michael Breyan with the Court of Appeals. On May 1, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Traivon Young with the Court of Appeals. On April

17, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Lagerald Dunham with the Court of Appeals. On April 10, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Rakeem White with the Court of Appeals.

Appellate Defender David Alexander

Counsel Alexander had a WebEx oral argument yesterday, June 16, 2020 in the Court of Appeals in the case of In the Matter of the Care and Treatment of Micah A. Bilton. On June 10, 2020, counsel had a WebEx oral argument in The State v. Billy Lemurces Taylor before this Court. Counsel filed the return to petition for a writ of certiorari in the case of The State v. Kenneth Strother Collins with this Court on June 4, 2020. On May 27, 2020, counsel had an oral argument in The State v. Antwuan Levon Nelson before the Court of Appeals. 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 petition for writ of certiorari and accompanying appendix in the case of James Tytil Wright v. The State with this 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.

Appellate Defender Susan Hackett

Counsel Hackett filed a return to the petition for rehearing in the case of State v. Ronald Hackeem Mack in the Court of Appeals on June 4, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tony Orlanda Singleton in the Court of Appeals on May 18, 2020. Counsel filed the petition for writ of certiorari, accompanying appendix, and supplemental appendix in the case of Jeremy Jerome Knight v. State in this Court on May 13, 2020. Counsel filed the return to petition for writ of certiorari in the case of James Lloyd Carrier v. State in this Court on May 12, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Kyle Maurice Robinson in the Court of Appeals on May 4, 2020. Counsel filed the petition for writ of certiorari in the case of Emory Warren Roberts v. State in this Court on April 24, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Anthony Anderson in the Court of Appeals on April 21, 2020. Counsel filed a return to the petition for rehearing in the case of State v. Michael Scott Simmons in this Court on April 17, 2020.

Appellate Defender Taylor Gilliam

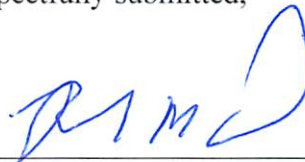
Counsel Gilliam filed the brief of petitioner in the case of Michael Rogers v. The State with the Court of Appeals on May 28, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Martin Pittman with the Court of Appeals on May 27, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of August Kreis v. The State with this Court on May 14, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Alfred Dunkin v. The State with this Court on April 30, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John Sartin v. The State with this Court on April 9, 2020.

3. This request is made in good faith, and not for purposes of delay. Each attorney intends to continue to work on the cases with more than three extensions first so that their caseloads will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2020. That extended, emailed general consent was dated May 20, 2020.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from June 17 until July 17, 2020 in which to file the initial brief and designation of matter. Counsel respectfully 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,



Robert M. Dudek
Chief Appellate Defender

Lara M. Caudy
Appellate Defender

David Alexander
Appellate Defender

Susan B. Hackett
Appellate Defender

Taylor D. Gilliam
Appellate Defender

June 17, 2020