

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Richland County

Clifton Newman, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Jun 25 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

MARQUILLE RONDALE LIVINGSTON,

APPELLANT.

APPELLATE CASE NO. 2018-001595  
\_\_\_\_\_

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

Counsel for Marquille Rondale Livingston respectfully requests a **fourth and final thirty (30) day extension until July 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. 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 Marquille Rondale Livingston 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. On June 19, 2020, counsel filed the petition for writ of certiorari and accompany appendix in Bobby Joe Arflin v. The State with the Supreme Court. On May 22, 2020, counsel filed the petition for writ of certiorari and accompany appendix in Marcus Shearin v. The State with the Supreme Court. On May 20, 2020, counsel had an oral argument in The State v. Felix Kotowski before the Supreme 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.

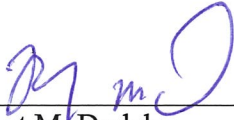
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.


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 **July 27, 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/ Lara M. Caudy  
Appellate Defender

  
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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

June 25, 2020

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\_\_\_\_\_  
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 to File the Initial Brief of Appellant and Designation of Matter in the above-referenced case has been served upon William Blicht, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 25th day of June, 2020.

s/ Lara M. Caudy \_\_\_\_\_  
Appellate Defender

ATTORNEY FOR APPELLANT