

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Jul 15 2020

S.C. SUPREME COURT

Certiorari to Lexington County

Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY RAY JONES, JR.

APPELLANT

Appellate Case No. 2019-001008

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

The undersigned counsel respectfully requests a **thirty-day extension, from the due date July 17, 2020 until August 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 Friday, July 17, 2020. Counsel filed the seven-issue, ninety-one-page initial brief of appellant and designation of matter in the death penalty case of The State v. Jerome Jenkins, Jr. with this Court on Monday, July 13, 2020 with co-counsel Kathrine Hudgins and Adam Ruffin. Thee total number of transcript pages involved in this death penalty case is 7,422.

2. Counsel is currently working on the Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Justin Jamal Warner, which is due to be filed with this Court on Monday, July 20, 2020. In addition, counsel must file his Brief of Respondent in the case of The State v. Joseph Bowers, which is due to be filed with this Court on Wednesday, July 22, 2020. As stated above, Counsel just filed the seven-issue, ninety-one-page initial brief of appellant and designation of matter in the death penalty case of The State v. Jerome Jenkins, Jr. with this Court on July 13, 2020. Counsel filed the petition for rehearing in the case of The State v. Arsenio D. Colclough with the Court of Appeals on June 25, 2020. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in The State v. Timiya Rashad Massey with this Court on June 24, 2020. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Malette Denise Kimbrough with the Court of Appeals on June 23, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Brian David Walls with the Court of Appeals on June 18, 2020. 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 has extensive administrative duties as the Chief Appellate Defender, including Phase II management of the Covid-19 office readjustment, training four less experienced Appellate Defenders and reviewing all of their filings in advance, and oversight of the Appellate Project.** Appellate Defenders Susan Hackett, David Alexander, Lara Caudy, and Taylor Gilliam are co-counsel on this case.

Co-counsel Susan Hackett

Counsel Hackett filed the petition for writ of certiorari, the brief of appellant pursuant to White v. State, and accompanying appendix in the case of Rodney C. Bryan v. State in this Court on July 13, 2020. She also filed a petition for rehearing in the case of State v. Arthur Jason Bowers in the Court of Appeals on July 9, 2020. Counsel filed the initial reply brief of appellant in the case of State v. Gabrielle Oliva Lashane Davis Kocsis in the Court of Appeals on July 2, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Kenneth Lamont Robinson in the Court of Appeals on June 30, 2020. Counsel filed the brief of petitioner in the case of State v. Steve Young in the Court of Appeals on June 16, 2020. Counsel filed a petition for rehearing in the case of State v. Ronald Hakeem 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.

Co-counsel David Alexander

Counsel Alexander filed the petition for a writ of certiorari and appendix in the case of Tyrel Rashone Collins v. The State with this Court on June 26, 2020. On June 25, 2020, he filed the brief of appellant in the case of The State v. Randy Chestnut with the Court of Appeals. On June 25, 2020, counsel filed the brief of appellant in the case of The State v. Diondrae Emanuel Jackson with the Court of Appeals. On June 16, 2020, counsel had an oral argument in In the Matter of the Care and Treatment of Micah Allen Bilton before the Court of Appeals. On June 10, 2020, counsel had an 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.

Co-counsel Lara Caudy

On July 15, 2020, Counsel Caudy filed a brief of petitioner in The State v. Jonathan Donell Rhodes with this Court. On July 13, 2020, she filed the initial brief of appellant and designation of matter in The State v. Samuel Hawkins, Jr. with the Court of Appeals. On June 26, 2020, counsel filed the brief of appellant and designation of matter in The State v. Marquille Rondale Livingston with the Court of Appeals. On June 19, 2020, counsel filed the petition for writ of certiorari and accompany appendix in Bobby Joe Arflin v. The State with this Court. On May 22, 2020, counsel filed the petition for writ of certiorari and accompany 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.

Co-counsel Taylor Gilliam

Counsel Gilliam filed the brief of respondent in the case of The State v. Ontario Makins with this Court on July 2, 2020. He filed the initial brief of appellant and designation of matter in the case of The State v. Yolanda Shatten with the Court of Appeals on June 25, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Michael Strother with the Court of Appeals on June 25, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Risheen Rich with the Court of Appeals on June 25, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the

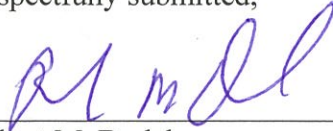
case of Quincy McCants v. The State with this Court on June 22, 2020. Counsel filed the brief of petitioner in the case of Michael Rogers v. The State with the Court of Appeals on May 28, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Martin Pittman 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.

3. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 31, 2020. That emailed general consent was dated June 23, 2020.

This request of all counsel 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 caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **thirty-day extension from Friday, July 17, 2020 until August 17, 2020**, in which to file the initial brief of appellant and designation of matter. Counsel respectfully requests that the time limits for filing the brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



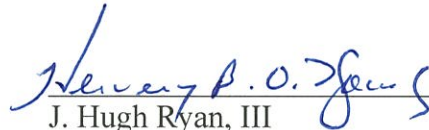
Robert M. Dudek
Chief Appellate Defender

Taylor D. Gilliam
Appellate Defender

Lara M. Caudy
Appellate Defender

David Alexander
Appellate Defender

Susan B. Hackett
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

This 15th day of July, 2020