

**RECEIVED**  
**Jul 22 2020**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Spartanburg County  
R. Keith Kelly, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

KENNETH LEE BROWN,

APPELLANT.

APPELLATE CASE NO. 2020-000086

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

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The undersigned counsel respectfully requests a thirty-day extension 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 today.

2. On July 15, 2020, counsel filed a brief of petitioner in The State v. Jonathan Donell Rhodes with the Supreme Court. On July 13, 2020, counsel 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 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.

3. This request is made in good faith, and not for purposes 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.

4. On June 23, 2020, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 31, 2020.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. 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,

s/ Lara M. Caudy  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

July 22, 2020

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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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 22nd day of July, 2020.

s/ Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT