

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Daniel D. Hall, Circuit Court Judge

RECEIVED
Jul 29 2020
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES HAROLD BALDWIN,

APPELLANT.

APPELLATE CASE NO. 2019-001923

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

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. Counsel is currently working on a **death penalty** case in The State v. Timothy Ray Jones, Jr. Counsel filed the brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Ronald Garrard with the Court of Appeals on July 27, 2020. Counsel filed the petition for a writ of certiorari and appendix in the case of Julius Calvin Curry,

Sr. v. The State with the Supreme Court on July 27, 2020. Counsel filed the petition for a writ of certiorari and appendix in the case of Tyrel Rashone Collins v. The State with the Supreme Court on June 26, 2020. On June 25, 2020, counsel 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 the Supreme Court. Counsel filed the return to petition for a writ of certiorari in the case of The State v. Kenneth Strother Collins with the Supreme 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 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. 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

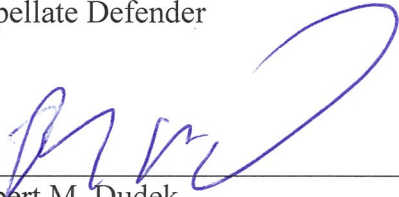
so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

3. 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/David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

July 29, 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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 29th day of July, 2020.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT