

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 12 2020
SC Court of Appeals

Appeal from Colleton County

Thomas W. Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROBERT WAYNE EAVES,

APPELLANT

Appellate Case No. 2019-001683

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

Counsel for Robert Wayne Eaves respectfully requests an extension of **thirty (30) days, from August 14, 2020 until September 14, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court Friday, August 14, 2020. The Court has granted counsel three previous extensions.
2. Counsel for Robert Wayne Eaves 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 his caseload, counsel hopes that no further extension requests will be required.

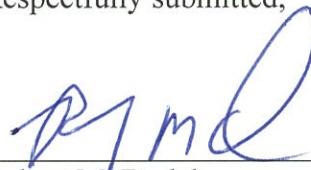
3. Counsel is lead counsel and presently working on the death penalty case of State v. Timothy Jones Jr, in which the transcripts are 7,422 pages long. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jason Carlton Booth with this Court on July 27, 2020. Counsel filed the brief of respondent in the case of The State v. Joseph Bowers with the Supreme Court on July 22, 2020. Counsel filed the petition for writ of certiorari to this Court and accompanying appendix in the case of The State v. Justin Jamal Warner with the Supreme Court on July 20, 2020. Counsel, as lead 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 the Supreme Court on July 13, 2020 with co-counsel Kathrine Hudgins and Adam Ruffin. Counsel filed the petition for rehearing in the case of The State v. Arsenio D. Colclough with this Court on June 25, 2020. Counsel filed the petition for writ of certiorari to this Court and accompanying appendix in The State v. Timiya Rashad Massey with the Supreme Court on June 24, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Malette Denise Kimbrough with this Court 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 this Court on June 18, 2020. **Counsel has extensive administrative duties as the Chief Appellate Defender, including work from home and Phase II COVID-19 office management, administrative and Appellate Project oversight, and training four less experienced appellate defenders and reviewing all their filings in advance.**

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.

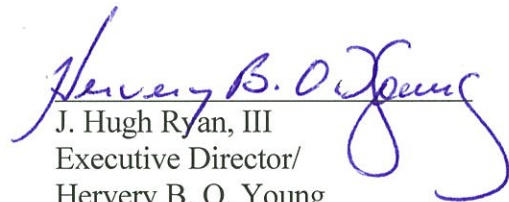
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2020. That extended, emailed general consent was dated July 30, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, from August 14, 2020 until September 14, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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

This 12th day of August, 2020.

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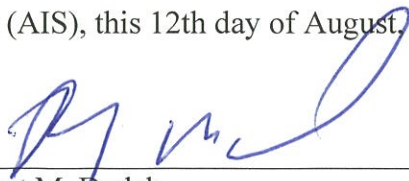
ROBERT WAYNE EAVES,

APPELLANT

APPELLATE CASE NO. 2019-001683

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 of time, in which to file the initial brief of appellant and designation of matter in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 12th day of August, 2020.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.