

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County

Eugene C. Griffith, Circuit Court Judge

RECEIVED

Aug 13 2020

S.C. SUPREME COURT

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

Counsel for Timothy Ray Jones, Jr. respectfully requests a **thirty-day extension, from the due date August 17, 2020, 2020 until September 16, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. *Undersigned counsel plans for this to be the final extension request absent unforeseen circumstances.* 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 on Monday, August 17, 2020. The Court has granted counsel three previous extensions.

Appellate defenders Susan Hackett, David Alexander, Lara Caudy, and Taylor Gilliam are co-counsel on this case with undersigned counsel, and they have very busy workloads as well.

2. Counsel for Timothy Ray Jones, Jr. 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, 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 this Court on July 13, 2020 with co-counsel Kathrine Hudgins and Adam Ruffin. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jason Carlton Booth with the Court of Appeals on July 27, 2020. Counsel filed the brief of respondent in the case of The State v. Joseph Bowers with this Court on July 22, 2020. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of The State v. Justin Jamal Warner with this Court on July 20, 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 this Court 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 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 has extensive administrative duties as the Chief Appellate Defender, including managing the work from home and Phase II COVID-19 day to day operations, administrative and**

Appellate Project oversight, and training four less experienced appellate defenders and reviewing all their filings in advance.

Co-counsel Susan Hackett

Counsel filed the petition for writ of certiorari in the case of Ronald Hakeem Mack v. State in this Court on August 12, 2020. On July 31, 2020, Counsel filed a return to the state's motion to strike in State v. Tyreek Dashawn Hayes in the Court of Appeals. Previously, Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tyreek Dashawn Hayes in the Court of Appeals on July 27, 2020. On July 21, 2020, Counsel represented Tunzy Sanders in a hearing on a motion to alter or amend judgment in Sanders v. State before the Honorable Clifton Newman via WebEx video conferencing. Counsel filed a petition for rehearing in the case of State v. Sidney St. Clair Moorer in the Court of Appeals on July 16, 2020. Counsel 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. Counsel 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.

Co-counsel David Alexander

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 this Court on July 23, 2020. Counsel 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, 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 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.

Co-counsel Lara Caudy

On August 4, 2020, counsel filed the brief of appellant and designation of matter in The State v. Jacob Ryan Aljoe with the Court of Appeals. On July 31, 2020, counsel filed the brief of appellant and designation of matter in The State v. Carnell Davis with the Court of Appeals. On July 23, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Nyquan Tykie Brown with the Court of Appeals. On July 15, 2020, counsel filed the brief of petitioner in The State v. Jonathan Donell Rhodes with this 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 this Court.

Co-counsel Taylor Gilliam

Counsel filed the return to petition for writ of certiorari to the court of appeals in the case of Michael Elders v. The State with this Court on August 10, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Miranda Taylor with the Court of Appeals on August 7, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Glen Waldrop with the Court of Appeals on July 27, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ronnie Bonner with the Court of Appeals on July 27, 2020. Counsel filed the brief of respondent in the case of The State v. Ontario Makins with this Court on July 2, 2020. Counsel 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.

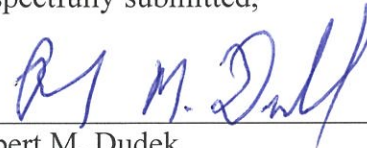
4. Counsel makes this request in good faith and not for purpose of delay. Each attorney intends to continue to work on the cases with more than three extensions first so that their caseloads will hopefully become more manageable in the near future, and less extensions will need to be requested.

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 17, 2020 until September 16, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. *Again, counsel plans for this to be the final extension request absent unforeseen circumstances.* Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



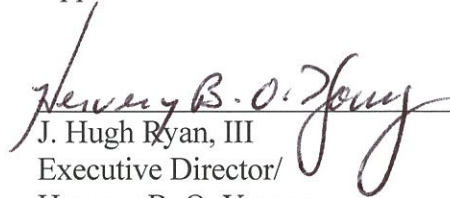
Robert M. Dudek
Chief Appellate Defender

Susan B. Hackett
Appellate Defender

David Alexander
Appellate Defender

Lara M. Caudy
Appellate Defender

Taylor D. Gilliam
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 13th day of August, 2020.