

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Beaufort County  
Honorable Brooks P. Goldsmith, Circuit Court Judge

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RECEIVED

Aug 17 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN IRA DUNCAN,

APPELLANT

APPELLATE CASE NO. 2019-001919

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

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Counsel for John Ira Duncan respectfully requests a **fourth and final thirty (30) day extension, until September 16, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for John Ira Duncan 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 filed the petition for rehearing in the case of The State of South Carolina v. Michael N. Frasier, Jr. with this Court on August 13, 2020. Counsel filed the Anders brief of appellant and designation of matter in the case of The State of South Carolina v. Courtney Brock with this Court on August 11, 2020. Counsel filed the petition for rehearing in the case of The State of South Carolina v. Steven Barnes with this Court on August 6, 2020. Counsel filed the petition for rehearing in the case of The State of South Carolina v. Johnathan Green with this Court on August 5, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Earnest Allen v. The State of South Carolina with the Supreme Court on July 16, 2020. Counsel filed the brief of petitioner in the case of The State of South Carolina v. Timothy L. Frady with this Court on July 16, 2020. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of Brenda Roberts v. The State of South Carolina with the Supreme Court on June 29, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Antonio Emerson Tate v. The State of South Carolina with the Supreme Court on June 11, 2020.


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.

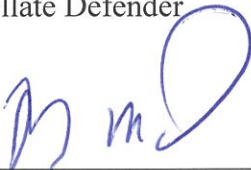
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty day general consent granted by Deputy Attorney General


Donald J. Zelenka for all Appellate Defense extensions through August 31, 2020. That emailed general consent was dated July 30, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension, 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.

Respectfully submitted,

  
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Kathrine H. Hudgins  
Appellate Defender

  
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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 17<sup>th</sup> day of August, 2020.

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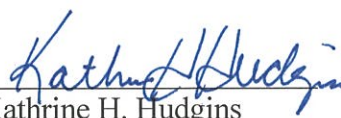
APPELLANT

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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 of Time in which to File the Initial Brief of Appellant and Designation of Matter in the above-referenced case have been served upon Melody J. Brown, Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 17<sup>th</sup> day of August, 2020.

  
Kathrine H. Hudgins  
Appellate Defender

ATTORNEY FOR APPELLANT