

RECEIVED

Aug 17 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANDRE DESHAWN POSEY,

APPELLANT

APPELLATE CASE NO. 2019-001997

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

Counsel for Andre Deshawn Posey 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 Andre Deshawn Posey 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 writ of certiorari and accompanying appendix in the case of Albert Lee Witherspoon v. The State with the Supreme Court on July 27, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Gilbert Edward Day v. The State with the Supreme Court on July 27, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Edmund Pinckney with this Court on July 27, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John W. Thomasson, Sr. with this Court on June 26, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jerome Keith West with this Court on June 26, 2020. Counsel filed the supplemental appendix in the case of Jamie Ray Lewis v. The State of South Carolina with the Supreme Court on June 16, 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.

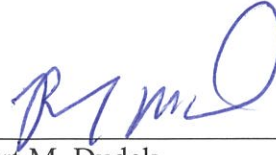
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2020. That emailed general consent was dated July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

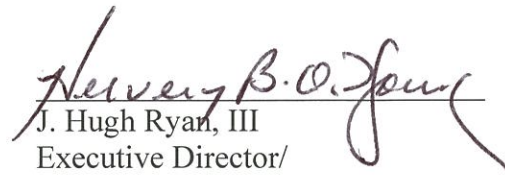
Respectfully submitted,



Victor R. Seeger
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 17th day of August, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Frank R. Addy, Circuit Court Judge

RECEIVED

Aug 17 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

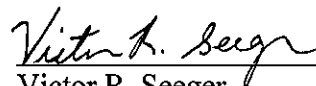
V.

ANDRE DESHAWN POSEY,

APPELLANT

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 have been served upon Matthew Buchanan, Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 17th day of August, 2020.



Victor R. Seeger
Appellate Defender

ATTORNEY FOR APPELLANT