

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

R. Keith Kelly, Circuit Court Judge

RECEIVED

Aug 21 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KENNETH LEE BROWN,

APPELLANT.

APPELLATE CASE NO. 2020-000086

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

Counsel for Kenneth Lee Brown respectfully requests a **fourth and final thirty (30) day extension until September 21, 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 Kenneth Lee Brown 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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel is actively working on the **death penalty** case of The State v. Timothy Ray Jones, Jr. 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 the Supreme 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 the Supreme Court. On May 22, 2020, counsel filed the petition for writ of certiorari and accompany appendix in Marcus Shearin v. The State with the Supreme Court.

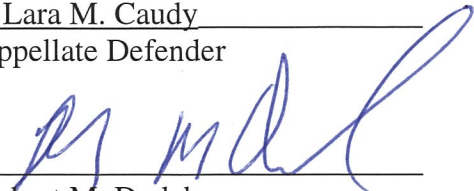
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On July 30, 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 August 31, 2020.

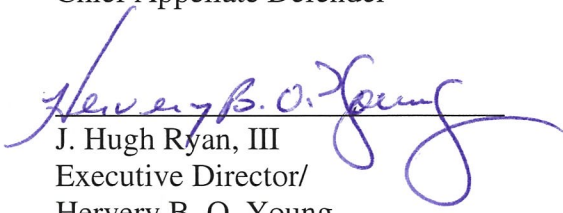
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **September 21, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

s/ Lara M. Caudy
Appellate Defender



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

August 21, 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 21st day of August, 2020.

s/ Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT