

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Aug 26 2020

SC Court of Appeals

Appeal from Richland County
DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRIAN NEIL WHITE,

APPELLANT

APPELLATE CASE NO. 2019-001971

**PETITION FOR FIFTH EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel respectfully requests a **fifth thirty-day extension until September 25, 2020**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel respectfully shows the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by four prior orders of this Court.
2. Counsel has been working on State v. Timothy Ray Jones, a capital case out of Lexington County. The transcripts in that case total almost 7,500 pages. Currently, Counsel is drafting two issues to be raised on appeal, challenging Mr. Jones' death sentence. **Additionally, counsel represents five other individuals whose initial briefs are due on this date, and three of**

those have been extended four times. Each case involves lengthy transcripts, including two cases with transcripts over 1000 pages, and complex legal matters.

3. On August 17, 2020, Counsel filed the response to the state's motion to dismiss in Kinjta Kadeem Sadler v. State in the circuit court. Additionally, on August 17, 2020, Counsel met with counsel for the state and counsel for the co-defendant to discuss logistics for an upcoming reconstruction hearing in State v. Justin Wilson. Counsel filed the petition for writ of certiorari in the case of Ronald Hakeem Mack v. State in the Supreme 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 this Court. Previously, Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tyreek Dashawn Hayes in this Court 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. In compliance with Judge Newman's request, Counsel is working on a proposed order to submit to resolve the matters presented during the hearing. Counsel filed a petition for rehearing in the case of State v. Sidney StClair Moorner in this Court 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 the Supreme Court on July 13, 2020. Counsel filed a petition for rehearing in the case of State v. Arthur Jason Bowers in this Court on July 9, 2020. Counsel filed the initial reply brief of appellant in the case of State v. Gabrielle Oliva Lashane Davis Kocsis in this Court 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 this Court on June 30, 2020.

4. This request is made in good faith, and not for purposes of delay.

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

WHEREFORE, the undersigned counsel would respectfully request a **fifth thirty-day extension until September 25, 2020**, in which to file the initial brief of appellant and designation of matter in this case. Counsel requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.


Respectfully submitted,

s/Susan B. Hackett

Susan B. Hackett
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

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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 of Time 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), which is mbrown@scag.gov, this 26th day of August, 2020.

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT