

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

Aug 26 2020

SC Court of Appeals

\_\_\_\_\_  
Appeal from Oconee County  
R. Scott Sprouse, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

DWAYNE EIGNER,

APPELLANT

APPELLATE CASE NO. 2020-000165

\_\_\_\_\_  
PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

The undersigned counsel respectfully requests a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.

2. Counsel had oral argument before this Court in the case of Randy Wright v. The State on August 19, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Rodney J. Furtick with this Court on August 10, 2020. Counsel filed an Anders brief of appellant and Record on Appeal in the case of The State v. Mark Dorko with this Court on July 28, 2020. Counsel filed an Anders brief of appellant in the case of The State v. Justin

Gordon Hunter with this Court on July 23, 2020. Counsel filed an Anders brief of appellant and Record on Appeal in the case of The State v. Thomas R. Marett with this Court on July 10, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Rodney Galimore v. State in the Supreme Court on July 1, 2020. Counsel filed a petition for rehearing in the case of The State v Christian Anthony Himes with this Court on June 25, 2020.

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

4. 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.

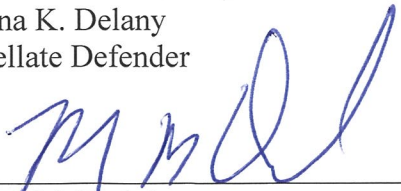
5. Opposing counsel, for the Attorney General's Office, has graciously consented to this extension request by way of the general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2020. That general consent was dated July 30, 2020.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully 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/ Joanna K. Delany

Joanna K. Delany  
Appellate Defender

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

This 26<sup>th</sup> day of August, 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 of Time in which to file the initial brief of appellant and designation of matter in the above referenced case has been served upon William M. Blich, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 26<sup>th</sup> day of August, 2020.

*s/ Joanna K. Delany*

Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT