

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 28 2020
SC Court of Appeals

Appeal from Lexington County
Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KIERIN MARCELLUS DENNIS,

APPELLANT

Appellate Case No. 2019-001486

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

Counsel for Kierin Marcellus Dennis respectfully requests an extension of **thirty (30) days, from August 28, 2020 until September 28, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court Friday, August 28, 2020. The Court has granted counsel three previous extensions. Appellate Defenders Lara Caudy and Adam Ruffin are co-counsel on this case with undersigned counsel, and they have busy workloads, as well.

2. Counsel for Kierin Marcellus Dennis respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time, **including managing an office and a full, heavy personal caseload during the coronavirus. In addition, counsel consults with four less-experienced appellate defenders on all of their cases and reads all of their filings in advance.** 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 brief of appellant and designation of matter in the case of The State v. William Derek Bennon with this Court on August 21, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of William S. Pegues v. The State with the Supreme Court on August 21, 2020. Counsel is lead counsel, and is presently working on *the death penalty case* of State v. Timothy Jones Jr, where the transcripts are 7,422 pages long. Counsel has already identified at least eight issues to raise on appeal in this case, and this brief is due to be filed with the Supreme Court on September 16, 2020. Counsel filed the initial brief of appellant and designation of matter in *the death penalty case* of The State v. Jerome Jenkins, Jr. with the Supreme Court on July 13, 2020 with co-counsel Kathrine Hudgins and Adam Ruffin. Counsel is also preparing the petition for rehearing in case of The State v. Deshanndon Markelle Franks, which is due to be filed with this Court on August 27, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jason Carlton Booth with this Court on July 27, 2020. Counsel filed the Brief of Respondent in the case of The State v. Joseph Bowers with the Supreme Court on July 22, 2020. Counsel filed the petition for writ of certiorari to this Court and accompanying appendix in the case of The State v. Justin Jamal Warner with the Supreme Court on July 20, 2020. Counsel filed the petition for rehearing in the case of The State v.

Arsenio D. Colclough with this Court on June 25, 2020. **Counsel has extensive administrative duties as the Chief Appellate Defender, including management of the work from home personnel during this coronavirus pandemic, and the Appellate Practice Project with this Court. Counsel regrets the necessity of this extension request, but it is absolutely necessary under the circumstances.**

Co-counsel Lara Caudy

On August 27, 2020, counsel filed the initial reply brief of appellant and designation of matter in The State v. Tammy Caison Moorer with this Court. On August 20, 2020, counsel filed the brief of appellant and designation of matter in The State v. William Z. Newton with this Court. On August 14, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Clifton Eugene Smith with this Court. On August 4, 2020, counsel filed the brief of appellant and designation of matter in The State v. Jacob Ryan Aljoe with this Court. On July 31, 2020, counsel filed the brief of appellant and designation of matter in The State v. Carnell Davis with this Court. On July 23, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Nyquan Tykie Brown with this Court. 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 this Court. On June 26, 2020, counsel filed the brief of appellant and designation of matter in The State v. Marquille Rondale Livingston with this Court. 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.

Co-counsel Adam Ruffin

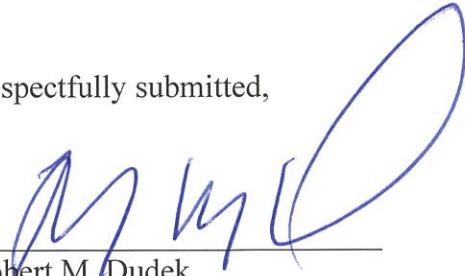
Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Rasheem Thomas with this Court on July 31, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of Michael Williams v. State with this Court on July 27, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of Sherry McMahan v. State with this Court on July 27, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Justin Jermaine Johnson v. State with the Supreme Court on July 27, 2020. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Tequan Holmes with this Court on June 25, 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 extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2020. That extended, emailed general consent was dated July 30, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, from August 28, 2020 until September 28, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

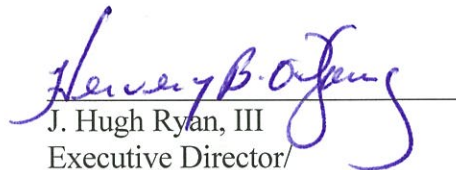
Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Lara M. Caudy
Appellate Defender

Adam Sinclair Ruffin
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 28th day of August, 2020.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Eugene C. Griffith, Circuit Court Judge

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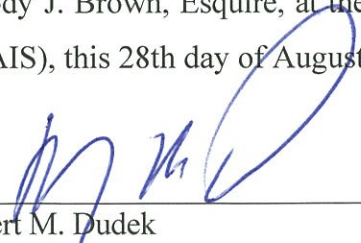
KIERIN MARCELLUS DENNIS,

APPELLANT

APPELLATE CASE NO. 2019-001486

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 28th day of August, 2020.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.