

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Chester County

Daniel D. Hall, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Aug 28 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

JAMES HAROLD BALDWIN,

APPELLANT.

APPELLATE CASE NO. 2019-001923  
\_\_\_\_\_

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

Counsel for James Harold Baldwin respectfully requests a **fourth and final thirty (30) day extension until September 28, 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 James Harold Baldwin 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 is currently working on a **death penalty** case in The State v. Timothy Ray Jones, Jr. Counsel filed the brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Ronald Garrard with the Court of Appeals on July 27, 2020. Counsel filed the petition for a writ of certiorari and appendix in the case of Julius Calvin Curry, Sr. v. The State with the Supreme Court on July 23, 2020. Counsel filed the petition for a writ of certiorari and appendix in the case of Tyrel Rashone Collins v. The State with the Supreme Court on June 26, 2020. On June 25, 2020, counsel filed the brief of appellant in the case of The State v. Randy Chestnut with the Court of Appeals. On June 25, 2020, counsel filed the brief of appellant in the case of The State v. Diondrae Emanuel Jackson with the Court of Appeals. On June 16, 2020, counsel had an oral argument in In the Matter of the Care and Treatment of Micah Allen Bilton before the Court of Appeals. On June 10, 2020, counsel had an oral argument in The State v. Billy Lemurces Taylor before the Supreme Court. Counsel filed the return to petition for a writ of certiorari in the case of The State v. Kenneth Strother Collins with the Supreme Court on June 4, 2020. On May 27, 2020, counsel had an oral argument in The State v. Antwuan Levon Nelson before the Court of Appeals.

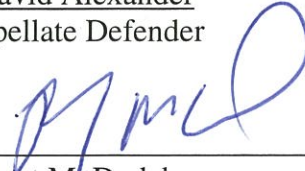
4. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. 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 28, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

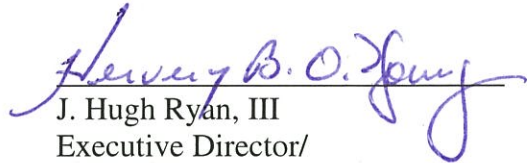
Respectfully submitted,

s/David Alexander  
Appellate Defender



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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

August 28, 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 28th day of August, 2020.

s/David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT