

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable J. Mark Hayes, Circuit Court Judge

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Sep 08 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TAVIS ANDRE COLSTON,

APPELLANT

APPELLATE CASE NO. 2020-000257

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 filed the petition for writ of certiorari and accompanying appendix in the case of Eric T. Spears v. The State of South Carolina with the United States Supreme Court on August 28, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Darrin Houser with this Court on August 26, 2020. Counsel filed the initial brief

of appellant and designation of matter in the case of The State v. Michael Wiggs with this Court on August 26, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Albert Lee Witherspoon v. The State with the Supreme Court on July 27, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Gilbert Edward Day v. The State with the Supreme Court on July 27, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Edmund Pinckney with this Court on July 27, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John W. Thomasson, Sr. with this Court on June 26, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jerome Keith West with this Court on June 26, 2020.

3. 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.

4. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2020. That emailed general consent was dated August 26, 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,



Victor R. Seeger
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 7th day of September, 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 have been served upon William M. Blich, Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 7th day of September, 2020.



Victor R. Seeger
Appellate Defender

ATTORNEY FOR APPELLANT