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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

SEP 03 2020

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No. 2019-001981

Trial Court Case Nos. 2017GS4007158, 2017GS4007162,
2017GS4007165, 2017GS4007166

The State, Respondent,
v.
Charles Barham, Appellant.

MOTION FOR EXTENSION

The defendant through counsel requests additional time in which to file the Appellant’s Initial Brief which is currently due to be filed September 11, 2020.

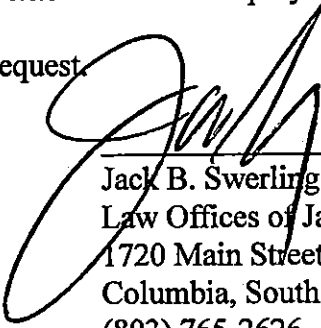
Counsel was not the Appellant’s trial counsel so is new to the case. The trial transcript is lengthy in this matter totaling 1,220 pages. Counsel has only met with the Appellant at Kirkland Correctional Institution one time, and that was prior to the receipt of the transcript of the trial, and was not able to meet again because of the COVID-19 pandemic.

The Appellant is currently at McCormick Correctional Institution, and on information and belief, counsel is not able to consult with the defendant since the prison is closed to attorney visits due to the COVID-19 pandemic. Counsel cannot have a confidential


communication with Appellant by phone as calls are recorded. Even if counsel were able to visit the Appellant, he would not be willing to do so at the present time because of a risk to counsel's health. Counsel recently turned seventy-four (74) years of age which places him in a high risk category of contracting the Corona Virus. Counsel will have to consult with the Appellant prior to writing the brief to give the Appellant input on the issues presented to the Court, therefore on information and belief, the reasons stated for an extension represents good cause. Because our judicial system and prison system has never had to deal with such a unique situation before, counsel believes there are extraordinary circumstances to warrant this extension. Once the prisons open up and if health considerations allow it, counsel will visit the Appellant and hope no further extensions are needed.

Since the future of visits with a defendant are unknown at the present time, counsel requests a sixty (60) day extension from September 11, 2020 to file the Appellant's Initial Brief.

Counsel has consulted with Senior Assistant Deputy Attorney General Melody J. Brown who has no objection to this request.



Jack B. Swerling – SC Bar #5457
Law Offices of Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
(803) 765-2626
Attorney for Appellant



Alissa L. Wilson – SC Bar #101602
Law Offices of Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
(803) 765-2626

September 1, 2020
Columbia, South Carolina

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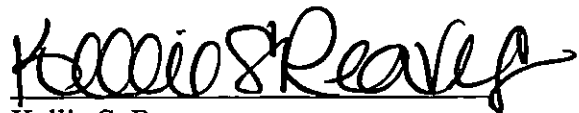
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2017GS4007165, 2017GS4007166

The State, Respondent,
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PROOF OF SERVICE

I certify that I have served the Motion for Extension by depositing a copy of it in the United States Mail, postage prepaid, on September 1, 2020, addressed to the following:

Melody J. Brown, Senior Assistant Deputy Attorney General
SC Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549



Kellie S. Reaves
Paralegal to Jack B. Swerling

September 1, 2020
Columbia, South Carolina

*Law Offices of
Jack B. Swerling*

*Jack B. Swerling, Esq.
Missa L. Wilson, Esq.*

*1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone 803-765-2626
Fax 803-799-4059*

September 1, 2020

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: The State v. Charles Barham
Appellate Case No. 2019-001981

Dear Ms. Kitchings:

Enclosed herewith for filing is the original and six copies of a Motion for Extension, along with the Proof of Service, in the above referenced matter. It would be greatly appreciated if you would clock the additional copy, and return it to me in the enclosed envelope.

By copy of this letter, I am serving a copy of same on Melody J. Brown, Senior Assistant Deputy Attorney General.

If you have any questions, do not hesitate to contact me.

Very truly yours,

Jack B. Swerling

JBS/ksr
Enclosures

cc: Melody J. Brown, Senior Assistant Deputy Attorney General
Katherine Carruth Goode, Esquire
Charles Brandon Barham #00382807
Lindsey Barham

*Law Office of
Jack B. Swearingen
420 Main Street, Suite 301
Columbia, South Carolina 29201*

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