

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Colleton County

Thomas W. Cooper, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Sep 14 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

ROBERT WAYNE EAVES,

APPELLANT

Appellate Case No. 2019-001683  
\_\_\_\_\_

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

Counsel for Robert Wayne Eaves respectfully requests a **final extension of thirty (30) days, from September 14, 2020 until October 14, 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 today, September 14, 2020. The Court has granted counsel four previous extensions.

2. Counsel for Robert Wayne Eaves 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.

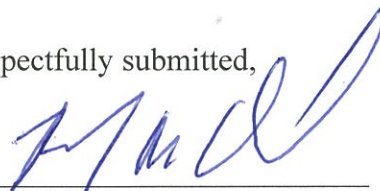
3. Counsel is lead counsel and is presently working on *the death penalty case* of State v. Timothy Jones Jr., where the transcripts are 7,422 pages long. Eight meritorious issues are being briefed, and this brief and designation of matter is expected to be filed with the Supreme Court before the end of this month. Counsel filed the brief of appellant and designation of matter in the case of The State v. Heirberone Heava Foster with this Court on August 31, 2020. Counsel filed the petition for rehearing in case of The State v. Deshanndon Markelle Franks with this Court on August 27, 2020. 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 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 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 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.**

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.

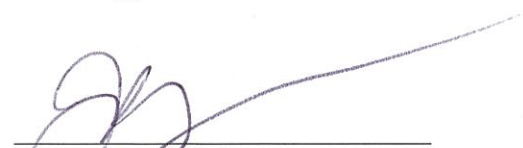
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2020. That extended, emailed general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

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from September 14, 2020 until October 14, 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



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 14<sup>th</sup> day of September, 2020.

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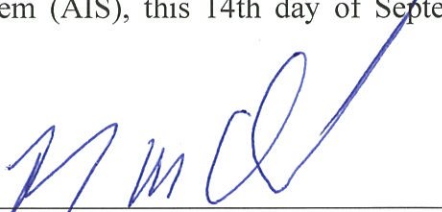
ROBERT WAYNE EAVES,

APPELLANT

APPELLATE CASE NO. 2019-001683  
\_\_\_\_\_

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, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 14th day of September, 2020.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT.