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Sep 11 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MONTRELL GRAHAM,

APPELLANT.

APPELLATE CASE NO. 2020-000250

MOTION FOR AN EXTENSION TO FILE
THE 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 Johnson petition and accompanying appendix in the case of Bennie Lee Griffin v. State with the Supreme Court on August 12, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Thomas Stewart v. State with the Supreme Court on August 12, 2020. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. James Ficklin with the Court of Appeals on July 27,

2020. Counsel filed the initial brief of appellant and designation of matter in the case of State v. William Brunson with the Court of Appeals on July 27, 2020. Counsel filed the petition for writ of certiorari pursuant to Austin v. State in the case of John Bridges v. State with the Supreme Court on July 27, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John Bridges v. State with the Supreme Court on July 27, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Christopher D. Tison v. State in the Supreme Court on June 29, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Orlando Paul v. State in the Supreme Court on June 29, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jalen Tyrea Badger v. State in the Supreme Court on June 29, 2020.

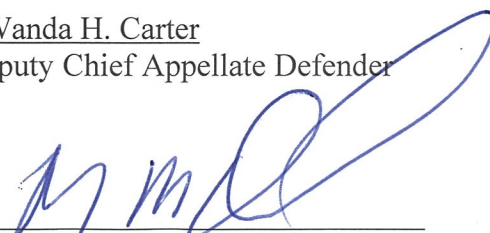
3. Counsel makes this request in good faith and not for purpose of delay.

4. On August 26, 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 September 30, 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,

s/Wanda H. Carter
Deputy Chief Appellate Defender



Robert M. Dudek
Chief Appellate Defender

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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 William M. Blich, Jr., at the primary e-mail address listed in the Attorney Information System (AIS), this 11th day of September, 2020.

s/Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT