

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Sep 16 2020

SC Court of Appeals

Appeal from Horry County
Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CALVIN D. FORD,

APPELLANT

APPELLATE CASE NO. 2019-001912

**PETITION FOR FIFTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel respectfully requests a **fifth thirty-day extension of time until October 16, 2020**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel respectfully shows the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by four prior orders of this Court.
2. Counsel has been working on State v. Timothy Ray Jones, a capital case out of Lexington County. The transcripts in that case total almost 7,500 pages. Currently, Counsel is drafting two issues to be raised on appeal, challenging Mr. Jones' death sentence. On September 15, 2020, counsel argued in this Court on behalf of the appellant in State v. Demontay Payne.

Counsel is preparing to argue in State v. Fabian Green in the Supreme Court today. The transcript in the above-referenced case is over 1000 pages, and Counsel is unable to devote the necessary time and attention to the case in light of her other obligations.

3. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. James Anthony Durham in this Court on September 9, 2020. Counsel submitted a proposed order granting the Rule 59(e) motion to the circuit court in Tunzy Sanders v. State on September 4, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Leandra Lamont Bright in this Court on September 3, 2020. Counsel filed a response to the Conditional Order of Dismissal in the case of Kinjta Kadeem Sadler v. State on September 2, 2020. Counsel filed a petition for rehearing in the case of State v. Angela Brewer in this Court on September 1, 2020. Counsel filed the petition for writ of certiorari in the case of Arthur Jason Bowers v. State in the Supreme Court on August 31, 2020. Counsel filed the petition for writ of certiorari, accompanying appendix, and supplemental appendix in the case of Brittany A. Johnson v. State in the Supreme Court on August 31, 2020. Counsel filed the return to petition for writ of certiorari in the case of Rodney Bryan v. State in the Supreme Court on August 27, 2020. On August 17, 2020, Counsel filed the response to the state's motion to dismiss in Kinjta Kadeem Sadler v. State in the circuit court. Additionally, on August 17, 2020, Counsel met with counsel for the state and counsel for the co-defendant to discuss logistics for an upcoming reconstruction hearing in State v. Justin Wilson. Counsel filed the petition for writ of certiorari in the case of Ronald Hakeem Mack v. State in the Supreme Court on August 12, 2020. On July 31, 2020, Counsel filed a return to the state's motion to strike in State v. Tyreek Dashawn Hayes in this Court. Previously, Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tyreek Dashawn Hayes in this Court on July 27,

2020. On July 21, 2020, Counsel represented Tunzy Sanders in a hearing on a motion to alter or amend judgment in Sanders v. State before the Honorable Clifton Newman via WebEx video conferencing. Counsel filed a petition for rehearing in the case of State v. Sidney StClair Moorer in this Court on July 16, 2020.

4. This request is made in good faith, and not for purposes of delay.

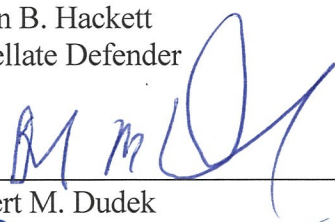
5. Opposing counsel, for the Attorney General's Office, has graciously consented to this extension request by way of the general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2020. That general consent was dated August 26, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **fifth thirty-day extension of time until October 16, 2020**, in which to file the initial brief of appellant and designation of matter in this case. Counsel 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.

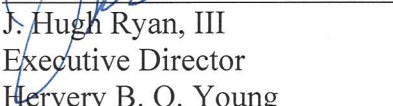
Respectfully submitted,

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender



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

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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 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), which is mbrown@scag.gov, this 16th day of September, 2020.

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT