

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Cherokee County

R. Keith Kelly, Circuit Court Judge

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Sep 23 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

FRANKLIN PIERRE DOVER,

APPELLANT

APPELLATE CASE NO. 2019-001244

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

Counsel for Franklin Pierre Dover respectfully requests a **final thirty-day extension from Friday, September 25, 2020 until October 26, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** 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 Friday, September 25, 2020.

2. Counsel for Franklin Pierre Dover 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 in the near future. Counsel is also lead counsel and working on the murder case of *The State v. Kierin Marcellus Dennis* to be filed with this Court in the near future, where the transcripts are 3,486 pages long. Counsel presented the Case Law Update presentation at the annual Public Defenders Conference over WebEx on September 21, 2020. 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 has extensive administrative duties as the Chief Appellate Defender, including Appellate Project oversight duties and management of the work from home personnel during this coronavirus pandemic. Counsel also has to discuss the cases of four inexperienced Appellate Defenders with them in advance and read all of their filings**

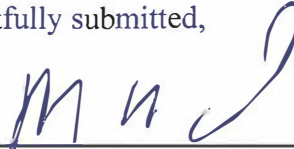
in advance. Counsel regrets the necessity of this extension request, but it is absolutely necessary under the circumstances.

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.

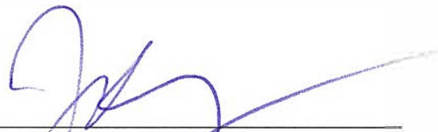
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension from Friday, September 25, 2020 until October 26, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Attorney for Appellant



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 23rd day of September, 2020.

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Appeal from Cherokee County

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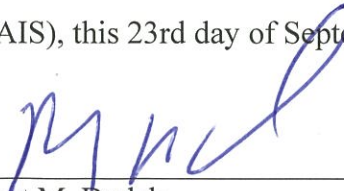
FRANKLIN PIERRE DOVER,

APPELLANT

APPELLATE CASE NO. 2019-001244

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 23rd day of September, 2020.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.