

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lancaster County  
R. Lawton McIntosh, Circuit Court Judge

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**RECEIVED**

**Sep 25 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

KAYLA MARIE COOK,

APPELLANT

APPELLATE CASE NO. 2019-001417

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

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The undersigned counsel respectfully requests a **final twenty-day extension until October 15, 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 five prior orders of this Court.
2. Counsel recognizes this request is extraordinary and respectfully requests this Court to grant the request based upon the extraordinary circumstances that exist. Counsel had four briefs due on September 25, 2020. Two of the cases, of which the above-referenced case is one, involved transcripts exceeding 1000 pages. Counsel filed the briefs in all but one of the cases. Additionally,

as will be explained in greater detail below, in the last month, Counsel attended a three-day conference, presented at the conference, presented oral arguments in two cases, and filed numerous pleadings on behalf of clients at the circuit court and appellate court levels. Counsel's request for this extraordinary extension is not for purposes of delay.

3. Counsel attended the Annual Public Defender Conference from September 21-23, 2020. Additionally, counsel presented on the topic of Practical Ethics for the Defense Bar on September 21, 2020, at the Conference. Not only was counsel's attendance at the Conference necessary in light of her presentation, but it was necessary for counsel to obtain her required continuing legal education hours. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Darryl Quan Damond Wilson in this Court on September 23, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Brian White in this Court on September 21, 2020. Counsel had an oral argument in the case of State v. Fabian Lamichael Green with the Supreme Court on September 16, 2020. Counsel had an oral argument in the case of State v. Demontay Markeith Payne with this Court on September 15, 2020. Counsel submitted objections to State's Proposed Order to the circuit court in Tunzy Sanders v. State on September 14, 2020. 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. This request is made in good faith, and not for purposes of delay.

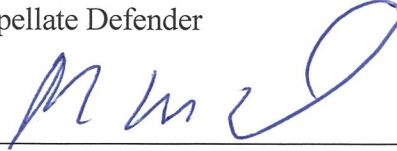
4. Opposing counsel, for the Attorney General's Office, has graciously consented to this extension request by way of the general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2020. That general consent was dated August 26, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **final twenty-day extension until October 15, 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,

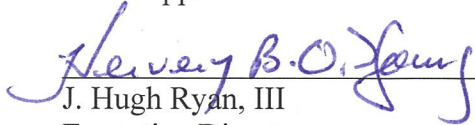
s/Susan B. Hackett

Susan B. Hackett  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender



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J. Hugh Ryan, III  
Executive Director  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training Director

September 25, 2020

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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 William M. Blicht, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), which is wblitch@scag.gov, this 25<sup>th</sup> day of September, 2020.

*s/Susan B. Hackett*

Susan B. Hackett  
Appellate Defender

ATTORNEY FOR APPELLANT