

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Sep 25 2020

Appeal from Oconee County
R. Scott Sprouse, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

DWAYNE EIGNER,

APPELLANT

APPELLATE CASE NO. 2020-000165

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

Counsel for Dwayne Eigner respectfully requests a **fourth and final thirty (30) day extension, until October 26, 2020**, in which to file the initial brief of appellant and designation of matter in the above-referenced 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 in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.

2. Counsel for Dwayne Eigner 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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tavaris Dewberry v. State in the Supreme Court on September 17, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Brittany Foster v. State in the Supreme Court on September 11, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Osiel Gomez v. State in the Supreme Court on September 2, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Joe Lewis Busby with the Court of Appeals on August 26, 2020. Counsel filed an Anders brief of appellant and Record on Appeal in the case of The State v. John Ryan Tate Wilson with the Court of Appeals on August 24, 2020. Counsel had oral argument before the Court of Appeals in the case of Randy Wright v. The State on August 19, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Rodney J. Furtick with the Court of Appeals on August 10, 2020. Counsel filed an Anders brief of appellant and Record on Appeal in the case of The State v. Mark Dorko with the Court of Appeals on July 28, 2020.

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, 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 July 26, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension 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 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/ Joanna K. Delany

Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

Hervery B. O. Young

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

This 25th day of September, 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 which to file the initial brief of appellant and designation of matter in the above referenced case has been served upon William M. Blich, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 25th day of September 2020.

s/ Joanna K. Delany

Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT