

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Deadra L. Jefferson, Circuit Court Judge

RECEIVED

Sep 28 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES HAROLD BALDWIN,

APPELLANT.

APPELLATE CASE NO. 2019-001923

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

Counsel for James Harold Baldwin respectfully requests a **fifth and final thirty (30) day extension until October 28, 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. This is a fifth request for an extension. 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 four previous extensions.
2. Counsel for James Harold Baldwin respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel is currently involved in two death penalty cases, State v. Timothy Jones and Marion Lindsey**

v. State. The transcript in this case is over 1100 pages and counsel needs additional time to do a thorough job on this lengthy case.

3. 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

4. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of the Care and Treatment of Ronald MJ Gregg and with the Court of Appeals on September 25, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jacop Robert Lee Hazlett with the Court of Appeals on September 9, 2020. Counsel filed the reply to return to petition for writ of certiorari in the **death penalty** case of Marion Alexander Lindsey v. The State with the Supreme Court on September 3, 2020. Counsel filed the petition for writ of certiorari in the case of Jovan Mitchell v. The State with the Court of Appeals on September 2, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jacory Sharod Foster with the Court of Appeals on August 26, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Maulique Alexander Heyward and with the Court of Appeals on August 24, 2020. Counsel filed the brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Ronald Garrard with the Court of Appeals on July 27, 2020. Counsel filed the petition for a writ of certiorari and appendix in the case of Julius Calvin Curry, Sr. v. The State with the Supreme Court on July 23, 2020. Counsel filed the petition for a writ of certiorari and appendix in the case of Tyrel Rashone Collins v. The State with the Supreme Court on June 26, 2020. On June 25, 2020, counsel filed the brief of appellant in the case of The State v. Randy Chestnut with the Court of Appeals. On June 25, 2020, counsel filed the brief of appellant in the case of The State v. Diondrae Emanuel Jackson with the Court of Appeals. On June 16, 2020,

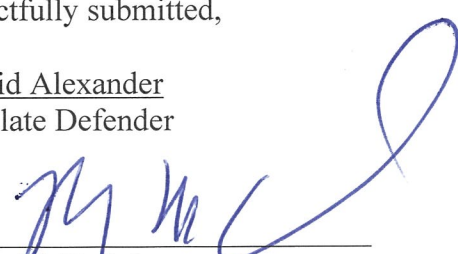
counsel had an oral argument in In the Matter of the Care and Treatment of Micah Allen Bilton before the Court of Appeals. On June 10, 2020, counsel had an oral argument in The State v. Billy Lemurces Taylor before the Supreme Court. Counsel filed the return to petition for a writ of certiorari in the case of The State v. Kenneth Strother Collins with the Supreme Court on June 4, 2020. On May 27, 2020, counsel had an oral argument in The State v. Antwuan Levon Nelson before the Court of Appeals.

5. 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.

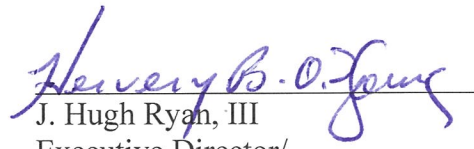
WHEREFORE, the undersigned counsel would respectfully request a **fifth and final thirty (30) day extension** until **October 28, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

s/David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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

September 28, 2020.

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SC Court of Appeals

Appeal from Chester County

Honorable Daniel D. Hall, Circuit Court Judge

THE STATE,

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V.

JAMES HAROLD BALDWIN,

APPELLANT.

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 copy of the Motion for Extension 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 28th day of September, 2020.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT