

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Oct 05 2020

Appeal from Greenville County

SC Court of Appeals

Honorable Robin B. Stilwell, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

OTIS EDWARD GIBSON,

APPELLANT

APPELLATE CASE NO. 2019-002069

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

Counsel for Otis Edward Gibson respectfully requests an extension of a **final thirty (30) days, until November 4, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. 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 today. The Court has granted counsel three previous extensions.
2. Counsel for Otis Edward Gibson 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 initial brief of appellant and designation of matter in the case of Eric Charles Peterson v. State with the Court of Appeals on September 25, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of Curtis Allen Babb, Jr. v. State with the Court of Appeals on September 23, 2020. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Donald Frank Halstead with the Court of Appeals on August 26, 2020. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Rasheem Thomas with the Court of Appeals on July 31, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of Michael Williams v. State with the Court of Appeals on July 27, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of Sherry McMahan v. State with the Court of Appeals on July 27, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Justin Jermaine Johnson v. State with the Supreme Court on July 27, 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.

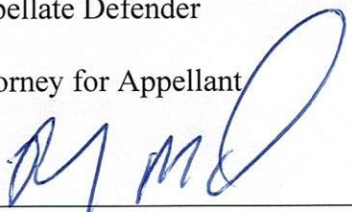
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2020.

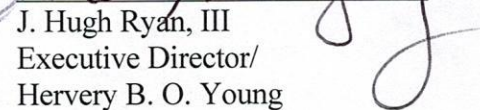
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until November 4, 2020** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

s/Adam Ruffin
Adam Sinclair Ruffin
Appellate Defender

Attorney for Appellant


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

This 5th day of October, 2020.