

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Colleton County

Thomas W. Cooper, Circuit Court Judge

RECEIVED

Oct 12 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT WAYNE EAVES,

APPELLANT

Appellate Case No. 2019-001683

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

Counsel for Robert Wayne Eaves respectfully requests a **final extension of thirty (30) days, from October 14, 2020 until November 13, 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. 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 on October 14, 2020. The Court has granted counsel five previous extensions.
2. Counsel for Robert Wayne Eaves 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.

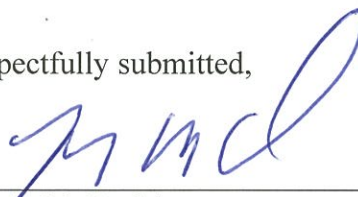
3. Counsel is lead counsel and is presently working on *the death penalty case of State v. Timothy Jones Jr.*, where the transcripts are 7,422 pages long. Eight meritorious issues are being briefed, and this brief and designation of matter is expected to be filed with the Supreme Court before the end of this month. In addition, counsel is dealing *with appointments with physicians (non-COVID-19)* that has resulted in some time missed from the office. Counsel is also preparing for the oral argument in the case of *The State v. Ahshaad Mykiel Owens*, which will be held on October 15, 2020 with the Supreme Court. 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 has extensive administrative duties as the Chief Appellate Defender, including management of the work from home personnel during this coronavirus pandemic, and the Appellate Practice Project with this Court. 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.

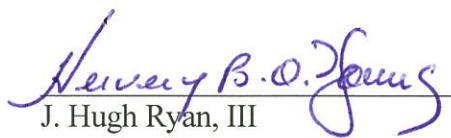
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2020. That extended, emailed general consent was dated September 28, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from October 14, 2020 until November 13, 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



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 12th day of October, 2020.

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APPELLATE CASE NO. 2019-001683

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, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 12th day of October, 2020.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.