

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Florence County

Thomas A. Russo, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Oct 23 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

v.

DIANTE J. ROGERS,

APPELLANT.

APPELLATE CASE NO. 2020-000135  
\_\_\_\_\_

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

The undersigned counsel respectfully requests a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.

2. On October 14, 2020, counsel had an oral argument in The State v. Rashawn Vertez Carter before the Court of Appeals. On October 12, 2020, counsel had an oral argument in The State v. Leon LaGwan Barksdale before the Court of Appeals. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jason Donn Lee with the Court of Appeals on October 9, 2020. 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

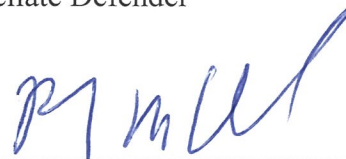
of Appeals on September 30, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jacop Robert Lee Hazlett with the Court of Appeals on September 9, 2020. Counsel filed the reply to return to petition for writ of certiorari in the **death penalty** case of Marion 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 makes this request in good faith and not for purpose of delay.

3. On September 28, 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 October 31, 2020.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully 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/David Alexander  
Appellate Defender



---

Robert M. Dudek  
Chief Appellate Defender

October 23, 2020.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Florence County

Thomas A. Russo, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Oct 23 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

DIANTE J. ROGERS,

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 true copy of the Motion for an Extension to File the Initial Brief of Appellant and Designation of Matter 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 23rd day of October, 2020.

s/David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT