

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Oct 23 2020

Appeal from Charleston County
Honorable R. Markley Dennis, Circuit Court Judge SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTONIO O. SIMMONS,

APPELLANT

APPELLATE CASE NO. 2020-000088

PETITION FOR EXTENSION TO FILE
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. Counsel filed the brief of petitioner in the case of Dwayne Rudd v. The State with this Court on October 22, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Levond Tayano Keitt with this Court on October 12, 2020. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v.

Andre Deshawn Posey with this Court on September 16, 2020. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Shaquille Dozier with this Court on September 4, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Eric T. Spears v. The State of South Carolina with the United States Supreme Court on August 28, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Darrin Houser with this Court on August 26, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Michael Wiggs with this Court on August 26, 2020.

3. This request is made in good faith, and not for purposes 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.

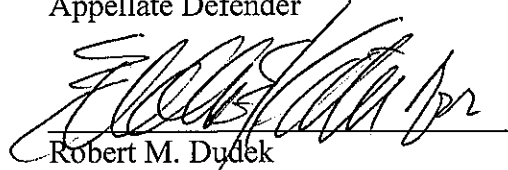
4. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2020. That emailed general consent was dated September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

Victor R. Seeger
Appellate Defender

A handwritten signature in black ink, appearing to read "R. M. Dudek", written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

This 23rd day of October, 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 have been served upon William M. Blich, Jr., Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 23rd day of October, 2020.

s/ Victor R. Seeger _____

Victor R. Seeger
Appellate Defender

ATTORNEY FOR APPELLANT