

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Cherokee County

R. Keith Kelly, Circuit Court Judge

RECEIVED

Oct 26 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

FRANKLIN PIERRE DOVER,

APPELLANT

APPELLATE CASE NO. 2019-001244

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

Counsel for Franklin Pierre Dover respectfully requests a **final thirty-day extension from Monday, October 26, 2020 until November 25, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** 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 Monday, October 26, 2020.

2. Counsel for Franklin Pierre Dover 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 has recently missed time in the office due to a non-COVID-19 related illness and severe back pain after twice testing negative for COVID-19. Counsel's current health problems still prevent him from working a full-time schedule as he also sees a specialist and his internal medicine physician.* As lead counsel, counsel **filed the initial eight issue brief of appellant and designation of matter in the death penalty case of The State v. Timothy Ray Jones, Jr.** with the Supreme Court on Friday, October 23, 2020 with co-counsel Susan Hackett, David Alexander, Lara Caudy, and Taylor Gilliam. As lead counsel, counsel also filed **the initial seven issue brief of appellant and designation of matter in the death penalty case of State v. Jerome Jenkins, Jr.** with the Supreme Court on July 13, 2020 with co-counsel Kathrine Hudgins and Adam Ruffin. Also recently, counsel filed the petition for rehearing in case of The State v. Stewart Jerome Middleton with this Court on October 15, 2020. 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 Appellate Project oversight duties and management of the work from home personnel during this**

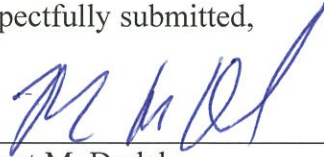
coronavirus pandemic. Counsel also has to discuss the cases of four inexperienced Appellate Defenders with them in advance and read all of their filings in advance. Counsel regrets the necessity of this extension request, but it is absolutely necessary under the circumstances.

4. Counsel makes this request in good faith and not for purpose of delay. *Counsel having filed the briefs in the death penalty cases of State v. Timothy Jones, Jr. and State v. Jerome Jenkins, Jr. intends to file cases with extensive extensions without any further extensions beyond the present one if his health allows.* 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.

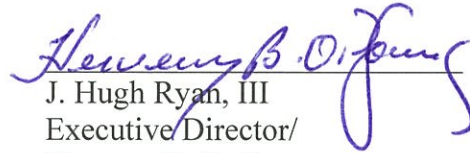
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension from Monday, October 26, 2020 until November 25, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file before this deadline if possible.** 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

Attorney for Appellant



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 26th 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 has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 26th day of October, 2020.

s/ Robert M. Dudek

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.