

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Certiorari to Lexington County

Eugene C. Griffith, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Oct 26 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

KIERIN MARCELLUS DENNIS,

APPELLANT

APPELLATE CASE NO. 2019-001486  
\_\_\_\_\_

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

Counsel for Kierin Marcellus Dennis respectfully requests a **final thirty-day extension from Wednesday, October 28, 2020 until November 27, 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 Wednesday, October 28, 2020.

2. Counsel for Kierin Marcellus Dennis 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.**

*Co-counsel Lara M. Caudy*

On October 23, 2020, counsel, along with co-counsel, filed the initial brief of appellant and designation of matter in The State v. Timothy Ray Jones, Jr. with the Supreme Court. On October 15, 2020, counsel had an oral argument in The State v. Samuel Jolly before this Court. On October 13, 2020, counsel had an oral argument in The State v. Russell Levon Johnson before this Court. On October 1, 2020, counsel filed the brief of appellant and designation of matter in The State v. Worth G. Myers with this Court. On September 29, 2020, counsel filed the brief of petitioner in The State v. Shane Alexander Washington with the Supreme Court. On September 21, 2020, counsel filed the brief of appellant and designation of matter in The State v. Kenneth Lee Brown with this Court. On August 26, 2020, counsel filed the initial reply brief of appellant and designation of matter in The State v. Tammy Caison Moorer with this Court.

*Co-counsel Adam Ruffin*

Counsel filed the initial brief of appellant and designation of matter in the case of Nancy Carswell v. State with this Court on October 21, 2020. Counsel filed the brief of appellant and Record on Appeal in the case of Pamela Tackett v. State with this Court on October 21, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Yusuf Aquil v. State with the Supreme Court on September 9, 2020. Counsel filed the petition for writ of certiorari to this Court and accompanying appendix in the case of Brian Willie Benson Lewis v. State with the Supreme Court on October 16, 2020. Counsel filed the initial brief of appellant

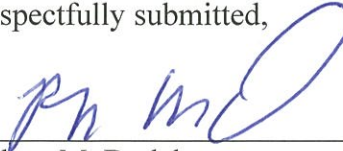
and designation of matter in the case of Eric Charles Peterson v. State with this Court on September 25, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of Curtis Allen Babb, Jr. v. State with this Court on September 23, 2020. Counsel filed the brief of appellant and record on appeal in the case of State v. Donald Frank Halstead with this Court on August 26, 2020.

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 Wednesday, October 28, 2020 until November 27, 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,

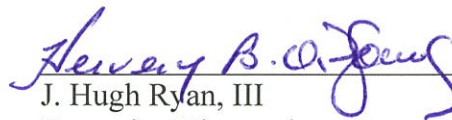


Robert M. Dudek  
Chief Appellate Defender

Lara M. Caudy  
Appellant Defender

Adam Sinclair Ruffin  
Appellate Defender

Attorneys 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.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Lexington County

Eugene C. Griffith, Circuit Court Judge  
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THE STATE,

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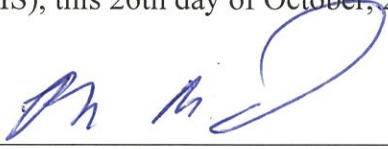
KIERIN MARCELLUS DENNIS,

APPELLANT

APPELLATE CASE NO. 2019-001486  
\_\_\_\_\_

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.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT.