

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Nov 09 2020

Appeal from Newberry County
Honorable D. Craig Brown, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN HENRY DAVENPORT, JR.,

APPELLANT

APPELLATE CASE NO. 2020-000198

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

Counsel for John Henry Davenport, Jr. respectfully requests a **fourth and final thirty (30) day extension, until December 9, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for John Henry Davenport, Jr. 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 filed the initial brief of appellant and designation of matter in the case of The State v. Antonio R. Lee with this Court on October 30, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Lavond 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.

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 thirty day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through November 30, 2020. That emailed general consent was dated October 28, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension, until December 9, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

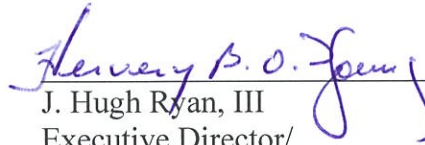
Respectfully submitted,



Victor R. Seeger
Appellate Defender



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 9th day of November, 2020.

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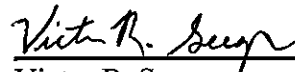
JOHN HENRY DAVENPORT, JR.,

APPELLANT

APPELLATE CASE NO. 2020-000198

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. Blicht, Jr., Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 9th day of November, 2020.



Victor R. Seeger
Appellate Defender

ATTORNEY FOR APPELLANT