

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Nov 12 2020

SC Court of Appeals

Appeal from Richland County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MELVIN JAMES WHITE,

APPELLANT

APPELLATE CASE NO. 2019-001854

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

Counsel for Melvin James White respectfully requests a **fifth extension of eight days from November 12, 2020 until November 20, 2020**, in which to file the initial brief of appellant and designation of matter in the above-referenced 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 in this case are due to be served and filed with the Court today, November 12, 2020. The Court has granted counsel four previous extensions.

2. Counsel for Melvin James White 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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Genuine Truth Banner v. The State with the Supreme Court on November 6, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Patrick Dean Lowrance v. The State with the Supreme Court on October 5, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Gary R. Thompson v. The State with the Supreme Court on October 1, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Jonathan Johnson v. The State with the Supreme Court on September 23, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Rickey Dean Tate with this Court on September 16, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Rashawn Tremayne Carson v. The State with the Supreme Court on September 8, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Travis A. Lee v. The State with the Supreme Court on September 8, 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 extended thirty-day general consent granted by Deputy Attorney

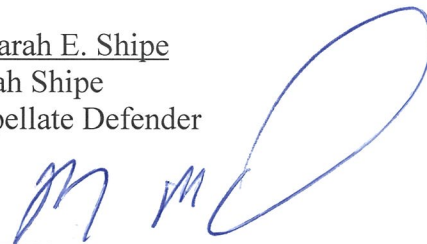
General Donald J. Zelenka for all Appellate Defense extensions through November 30, 2020.

That extended, emailed general consent was dated October 28, 2020.

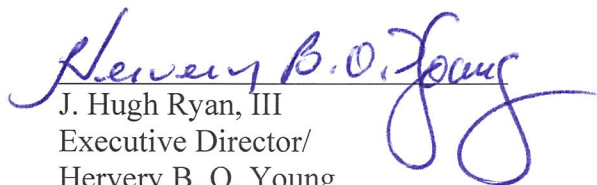
WHEREFORE, the undersigned counsel would respectfully request a **fifth extension of eight days from November 12, 2020 until November 20, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** Counsel 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/ Sarah E. Shipe
Sarah Shipe
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 12th day of November.

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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 initial brief of appellant and designation of matter in the above-referenced case has been served upon William M. Blicht, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 12th day of November, 2020.

s/ Sarah E. Shipe
Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT.