

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Florence County

Thomas A. Russo, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Dec 01 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

DIANTE J. ROGERS,

APPELLANT.

APPELLATE CASE NO. 2020-000135  
\_\_\_\_\_

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

Counsel for Diante J. Rogers respectfully requests a **fourth and final thirty (30) day extension until January 4, 2021**, 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 Diante J. Rogers 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.

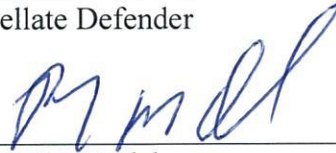
3. Counsel filed the brief of appellant and designation of matter in the case of The State v. David Eric Hugue, Jr., with the Court of Appeals on November 12, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. James Harold Baldwin and with the Court of Appeals on November 9, 2020. On October 23, 2020, counsel, along with co-counsel, filed the initial 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 October 14, 2020, counsel had an oral argument in The State v. Rashawn Vertez Carter before the Court of Appeals. On October 12, 2020, counsel had an oral argument in The State v. Leon LaGwan Barksdale before the Court of Appeals. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jason Donn Lee with the Court of Appeals on October 9, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of the Care and Treatment of Ronald MJ Gregg and with the Court of Appeals on September 30, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Jacop Robert Lee Hazlett with the Court of Appeals on September 9, 2020.

4. On November 25, 2020, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **January 4, 2021**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

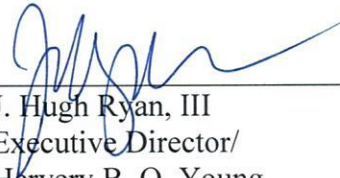
Respectfully submitted,

s/ David Alexander  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender



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

December 1, 2020.

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CERTIFICATE OF SERVICE

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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 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 1st day of December, 2020.

s/ David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT