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Dec 02 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID M. BARAJAS,

APPELLANT

Appellate Case No. 2020-000549

**MOTION TO FILE EXTENSION FOR
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER OUT OF TIME**

Counsel for David M. Barajas respectfully petitions the Court to allow the late filing of the first extension request out of time. Counsel requests an extension out of time until January 2, 2021 to file the initial brief and designation of matter as explained below. In support of this petition counsel shows:

1. The initial brief and designation of matter were due to be served and filed with this Court on November 2, 2020.
2. Due to a clerical error, this deadline was not placed on undersigned counsel's calendar. Consequently, the first extension request was not submitted to this Court in a timely manner on November 2, 2020. If an extension request had been timely submitted to this Court on November 2, 2020, the brief and designation of matter, or a second extension request, would have been due with this Court, today, December 2, 2020.

3. Counsel received a letter from this Court yesterday, December 1, 2020 indicating that the initial brief and designation of matter were past due for filing, and that counsel had failed to file the brief or a motion for an extension of time.

4. Due to this clerical error, administrative changes have now been made to ensure this clerical calendaring error is not repeated. Counsel nonetheless regrets the necessity of this out of time extension request.

5. Counsel for the state graciously does not oppose this motion to file this extension request out of time from November 2, 2020 until January 2, 2021. This out of time extension request covers the time period of November 2, 2020 (the original due date) until today, December 2, 2020, and then thirty days from today, December 2, 2020 until January 2, 2021 in which to file the brief and designation of matter.

WHEREFORE, undersigned counsel petitions the Court to grant an out of time motion for a sixty-day extension in this case until January 2, 2021 to file the brief and designation of matter given these unusual circumstances.

s/Adam Ruffin

Adam Sinclair Ruffin
Appellate Defender

ATTORNEY FOR APPELLANT

December 2, 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 to file extension for initial brief of appellant and designation of matter out of time in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 2nd day of December, 2020.

s/Adam Ruffin
Adam Sinclair Ruffin
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT