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Apr 14 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County

Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LUTAVIOUS DENARD ELMORE,

APPELLANT.

APPELLATE CASE NO. 2020-001162

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

The undersigned counsel respectfully requests a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.

2. On April 13, 2021, counsel had an oral argument in The State v. Shane Washington before the Supreme Court. On March 22, 2021, counsel filed the brief of petitioner in Gene Tony Cooper v. The State with the Court of Appeals. On March 15, 2021, counsel filed the initial brief of appellant and designation of matter in The State v. David Viron Lewis Garrett

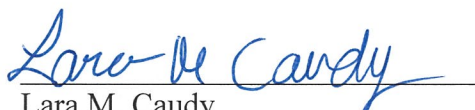
with the Court of Appeals. On February 22, 2021, counsel filed the petition for writ of certiorari and accompanying appendix in Andrew Antonio Clemons v. The State with the Supreme Court. On February 8, 2021, counsel filed the brief of respondent in Dale Gould v. State with the Court of Appeals.


3. Counsel makes this request in good faith and not for purpose of delay.

4. On March 30, 2021, 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 April 30, 2021.

5. WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully 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,


Lara M. Caudy
Appellate Defender


Robert M. Dudek
Chief Appellate Defender

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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 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 14th day of April, 2021.



Lara M. Caudy
Appellate Defender

ATTORNEY OF APPELLANT