

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GARY M. WIRTZ,

APPELLANT.

APPELLATE CASE NO. 2020-001388

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

Counsel for Gary M. Wirtz respectfully requests a thirty (30) day extension, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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 today.
2. Counsel filed the petition for writ of certiorari in the case of Dennis Rodger Davis, Jr. v. The State on May 4, 2021 with the Supreme Court. Counsel filed the amended petition for writ of certiorari in the case of Adrienne Randolph v. The State on April 12, 2021

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with the Supreme Court. Counsel filed the petition for writ of certiorari in the case of Karras Cascelle Cohen, Jr. v. The State on April 7, 2021 with the Supreme Court. Counsel filed the initial reply brief of appellant in the case of The State v. Anthony C. Davis on March 19, 2021 with the Court of Appeals. Counsel had an oral argument in the case of John Mack v. The State on March 3, 2021 with the Supreme Court.

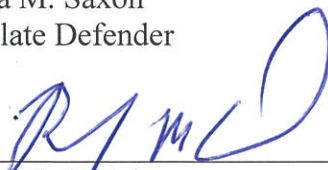
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On April 29, 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 May 31, 2021.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

s/Jessica M. Saxon
Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 14th day of May, 2021.

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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 Extension 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 14th day of May, 2021.

s/Jessica M. Saxon
Jessica M. Saxon
Appellate Defender

ATTORNEY FOR APPELLANT