

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**Jun 02 2021**

**SC Court of Appeals**

\_\_\_\_\_  
Appeal from Lexington County

Frank R. Addy, Jr., Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

JOSEPH RANDOLPH HENRY,

APPELLANT.

APPELLATE CASE NO. 2020-001404  
\_\_\_\_\_

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

Counsel for Joseph Randolph Henry respectfully requests a **fourth and final fifteen (15) day extension until June 17, 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 Joseph Randolph Henry 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.

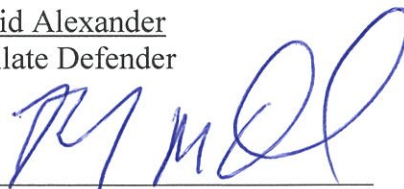
3. Counsel, along with co-counsel is preparing the initial reply brief of appellant and designation of matter to be filed with the Supreme Court in the death penalty case of The State v.

Timothy Ray Jones, Jr. Counsel had a meeting with a Spanish-speaking client and interpreter at Kershaw Correctional Institution and filed his report in the case of Manuel S. Hernandez v. The State on May 25, 2021. Counsel testified at a PCR Hearing held via Web Ex in the case of The State v. Gerald R. Williams on April 28, 2021. Counsel filed the Brief of Petitioner in Cary Glenn Ryals v. The State with the Court of Appeals on April 14, 2021. Counsel filed the Brief of Petitioner in Jovan Mitchell v. The State with the Court of Appeals on March 29, 2021. Counsel filed the initial brief of appellant and designation of matter in The State v. Brandon Christopher Grayer with the Court of Appeals on March 15, 2021. Counsel filed the Return to Petition for Writ of Certiorari in Bryan J. Phillips v. State with the Supreme Court on March 5, 2021. On May 28, 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 June 30, 2021.

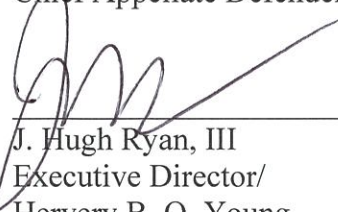
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final fifteen (15) day extension** until **June 17, 2021**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

s/David Alexander  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender



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

June 2, 2021.

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APPELLANT.

APPELLATE CASE NO. 2020-001404

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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 2nd day of June, 2021.

s/David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT