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Jun 25 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No. 2019-001981

Trial Court Case Nos. 2017GS4007158, 2017GS4007162,
2017GS4007165, 2017GS4007166

The State,

Respondent,

v.

Charles Barham,

Appellant.

MOTION FOR EXTENSION

COMES NOW, Jack B. Swerling, attorney for the Appellant, requesting an extension to file the Initial Reply Brief of Appellant. Counsel has previously requested two extensions, and the current deadline for the Initial Reply Brief is June 28, 2021.

Counsel respectfully requests an additional extension of 60-days to file the Initial Reply Brief of Appellant due to the following:

Counsel had emergency coronary bypass surgery on May 14, 2021, and he has not yet returned to work. Counsel's treating physician has stated, in writing, that counsel is unable to work through Friday, August 6, 2021. *See Exhibit 1, attached.* If counsel is able to return to work on Monday, August 9, 2021, he will face a workload of cases that have been on hold during his entire 12-week period of medical disability. For this reason, counsel asks the

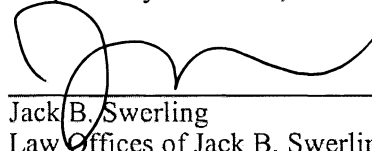
Court to grant a reasonable amount of time to complete the Initial Reply Brief. If this Court grants the requested 60-days, the due date will be just 15 business days after counsel is expected to return to work.

Counsel's medical situation and current inability to work is an extraordinary circumstance that provides good cause for granting this extension request.

Counsel's paralegal has consulted with Senior Assistant Attorney General J. Anthony Mabry, and he consents to the granting of an additional 60-day extension.

WHEREFORE, for good cause shown, counsel respectfully requests a 60-day extension of time to serve and file the Initial Reply Brief of Appellant, to August 27, 2021. This request is made in good faith, and not for the purposes of delay. Because of counsel's situation, this motion is signed on his behalf by another attorney in his law firm.

Respectfully submitted,



Jack B. Swerling
Law Offices of Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: (803) 765-2626
South Carolina Bar No. 5457
Attorney for Appellant

I support the finding of good cause
and believe the extension is warranted.



Katherine Carruth Goode
229 South Congress Street
Post Office Box 1175
Winnsboro, South Carolina 29180
Telephone: (803) 799-4440
South Carolina Bar No. 8951

June 23, 2021
Columbia, South Carolina

PRISMA HEALTH

Jack B Swerling

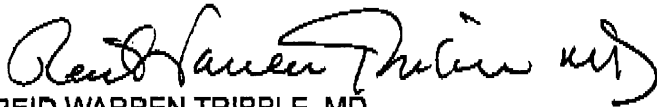
Date of Birth:
Today's Date: **5/28/2021**

To Whom it May Concern:

Jack B Swerling had Coronary Artery Bypass Graft surgery on 5/14/2021. He is unable to work from 5/14/2021 to 8/6/2021.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,



REID WARREN TRIBBLE, MD
PRISMA HEALTH CARDIOTHORACIC SURGERY
8 RICHLAND MEDICAL PARK DR STE 400
COLUMBIA SC 29203-8004
803-765-0871

CC:
No Recipients

EXHIBIT 1

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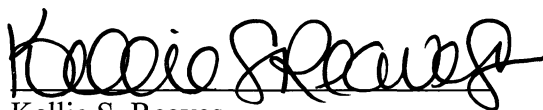
Charles Barham,

Appellant.

PROOF OF SERVICE

I, Kellie S. Reaves, am an employee of the Appellant, hereby certify that as per the Order of the Supreme Court of South Carolina entitled *RE: Operation of the Appellate Courts During the Coronavirus Emergency* (S.C. Sup. Ct. Order dated March 20, 2020, amended May 29, 2020), the Motion for Extension has been forwarded to Respondent's counsel, J. Anthony Mabry, Senior Assistant Attorney General, via email today, June 25, 2021 to amabry@scag.gov.

I further certify that all parties required by the Rule to be served have been served.



Kellie S. Reaves
Paralegal to Jack B. Swerling

June 25, 2021
Columbia, South Carolina