

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Aug 25 2021

SC 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 three extensions, and the current deadline for the Initial Reply Brief is August 27, 2021.

Counsel respectfully requests an additional extension of 30-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 returned to work on a limited basis. Counsel's treating physician has stated, in writing, that counsel is unable to return to Court duties until October. *See* Exhibit 1, attached. Since counsel has returned to his office on a limited basis, he has been inundated with messages,

mail, texts and phone calls regarding his cases and has been unable to complete the Initial Reply Brief of Appellant.

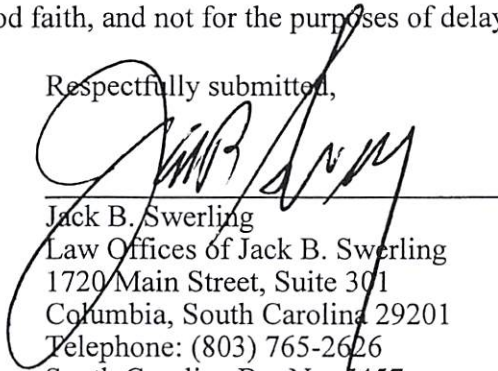
For the reasons above, counsel requests the Court to grant a reasonable amount of time to complete the Initial Reply Brief. If the Court grants the requested 30-days, counsel will have the brief ready.

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 30-day extension.

WHEREFORE, for good cause shown, counsel respectfully requests a 30-day extension of time to serve and file the Initial Reply Brief of Appellant, to September 27, 2021. This request is made in good faith, and not for the purposes of delay.

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

August 24, 2021
Columbia, South Carolina

Letter by Feldman, Barry J, MD on 8/19/2021



Jack B Swerling

Date of Birth:
Today's Date: **8/19/2021**

To Whom it May Concern:

Jack B Swerling was seen in my clinic on 8/19/2021. Please excuse Mr. Swerling from court/trial duties until October 2021 as he is currently recovering from open heart surgery, s/p 5V CABG ~3 weeks hospitalization followed by inpatient rehabilitation ~2 weeks and now participating in cardiac rehab.

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

Sincerely,

A handwritten signature in black ink that reads "Barry J. Feldman MD".

Barry J. Feldman, MD
PRISMA HEALTH CARDIOLOGY - 8 MED PARK 100
8 RICHLAND MEDICAL PARK DR STE 100
COLUMBIA SC 29203-8006
803-434-3800

CC: No Recipients

Revision History

Revised by Feldman, Barry J, MD today at 11:37 AM (current version)
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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, August 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

August 25, 2021
Columbia, South Carolina

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