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Oct 07 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRYAN AUSTIN SEIDLE,

APPELLANT

Appellate Case No. 2020-001485

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

Counsel for Bryan Austin Seidle respectfully requests a **fifth extension of thirty (30) days from October 7, 2021 until November 8, 2021**, in which to 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. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today, October 7, 2021. The Court has granted counsel four previous extensions.
2. Counsel for Bryan Austin Seidle 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.

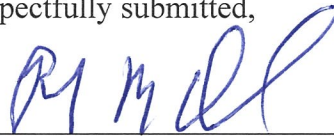
3. Counsel is preparing for oral argument in the death penalty case of The State v. Jerome Jenkins, Jr., which is to be held before the Supreme Court on October 12, 2021. Counsel is also preparing for oral argument in the case of The State v. Justin Jamal Warner, which is to be held before the Supreme Court on October 14, 2021. Counsel is also preparing for oral argument in the death penalty case of The State v. Timothy Ray Jones, Jr., which is to be held before the Supreme Court on November 9, 2021. Counsel presented the Case Law Update PowerPoint presentation at the Annual Public Defender Conference, which was held in Myrtle Beach, South Carolina, on September 27-29, 2021. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Randall M. Simpson v. The State with the Supreme Court on September 24, 2021. Counsel filed the petition for writ of certiorari to this Court in the case of The State v. William C. (Billy) Sellers with the Supreme Court on September 14, 2021. Counsel filed a Petition for Rehearing in the case of The State v. Robert Xavier Geter with this Court on September 2, 2021. Counsel filed the initial reply brief of appellant in the case of The State v. Kierin Marcellus Dennis with this Court on August 19, 2021 with co-counsel Adam Ruffin and Lara Caudy. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight.**

4. Counsel makes this request in good faith and not for purpose 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.

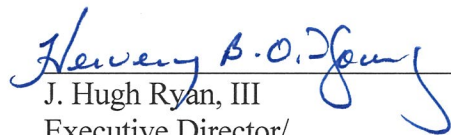
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2021. That extended, emailed general consent was dated September 30, 2021.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from October 7, 2021 until November 8, 2021**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 7th day of October, 2021.

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IN THE COURT OF APPEALS

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APPELLATE CASE NO. 2020-001485

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for an Extension of Time in which 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 7th day of October, 2021.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.