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Oct 08 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSHUA THOMAS ROTHWELL,

APPELLANT.

APPELLATE CASE NO. 2020-001444

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

Counsel for Joshua Thomas Rothwell respectfully requests a **fourth and final thirty (30) day extension until November 8, 2021**, in which to serve and 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 Joshua Thomas Rothwell 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 filed the petition for writ of certiorari and accompany appendix in Shemaine M. Roberson v. The State with the Supreme Court on October 7, 2021. Counsel filed the initial brief of appellant and designation of matter in The State v. Kevin J. McKinnon with the Court of Appeals on September 27, 2021. On September 21, 2021, counsel had an oral argument in The State v. Mary Ann German before the Supreme Court. On September 15, 2021, counsel had an oral argument in The State v. Montrelle Lamont Campbell before the Court of Appeals. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in The State v. Corey Jermaine Brown with the Supreme Court on August 30, 2021. Counsel filed the brief of petitioner in Michael Duran Watson v. The State with the Court of Appeals on August 13, 2021. Counsel filed the brief of appellant and designation of matter in In the Matter of the Care and Treatment of James Ronnie Nichols, Jr with the Court of Appeals on August 11, 2021. Counsel filed the return to petition for writ of certiorari in The State v. M'Andre Cochran with the Supreme Court on August 2, 2021.

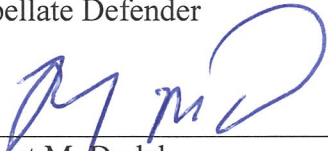
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On September 30, 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 October 31, 2021.

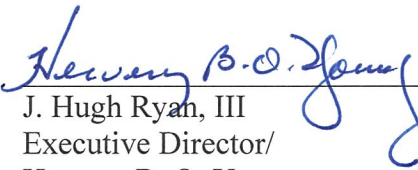
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until November 8, 2021**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

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/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 8th day of October, 2021.

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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 Extension in the above-referenced case have been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 8th day of October, 2021.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT