

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Florence County  
Michael G. Nettles, Circuit Court Judge

**RECEIVED**  
**Nov 08 2021**  
SC Court of Appeals

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 **sixth and final three (3) business day extension from November 8, 2021 until Friday, November 12, 2021**, in which to file the initial brief of appellant and designation of matter in this case. **Counsel will file the initial brief of appellant and designation of matter before the deadline if possible.** 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, November 8, 2021. The Court has granted counsel five 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 their caseload, counsel hopes that no further extension requests will be required. **This case was recently assigned co-counsel, and out of an abundance of caution, additional time is needed.**

3. **Counsel is continuing to prepare for the oral argument in the death penalty case of The State v. Timothy Ray Jones, Jr., which is to be held before the Supreme Court Tomorrow, November 9, 2021. Counsel filed the reply to return to petition for writ of certiorari in the death penalty case of Andres Antonio Torres v. The State with the Supreme Court on October 28, 2021, with co-counsel Susan Hackett. Counsel filed the brief of petitioner in the case of The State v. Stewart Jerome Middleton with the Supreme Court on October 21, 2021. Counsel filed the return to petition for writ of certiorari in the case of The State v. John Ernest Perry with the Supreme Court on October 20, 2021. **Counsel had an oral argument before the Supreme Court on October 12, 2021, in the death penalty case of The State v. Jerome Jenkins, Jr.** Counsel filed the initial reply brief of appellant in the case of In the Interest of Dante M., A Juvenile Under the Age of Seventeen with the Court of Appeals on October 7, 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 the Court of Appeals in the case of The State v. William C. (Billy) Sellers with the Supreme Court on September 14, 2021. **Counsel has extensive administrative duties as the Chief Appellate Defender.****

*Co-counsel Lara M. Caudy*

Counsel was on maternity leave from July 9, 2021 until October 4, 2021. On October 28, 2021, counsel filed a petition for rehearing in The State v. Stacardo Grissett with the Court of

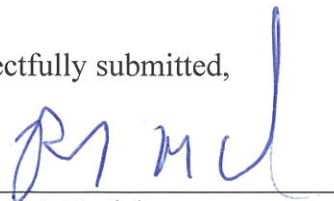
Appeals. On October 15, 2021, counsel filed the brief of petitioner in Dominic A. Leggette v. The State with the Court of Appeals.

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 November 30, 2021. That extended, emailed general consent was dated October 28, 2021.

WHEREFORE, the undersigned counsel would respectfully request a **sixth and final three (3) business day extension from November 8, 2021 until Friday, November 12, 2021**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel regrets the necessity of this final 3 business day extension.** 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

Lara M. Caudy  
Appellate Defender

ATTORNEYS FOR APPELLANT

This 8th day of November, 2021.

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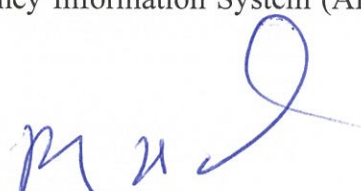
BRYAN AUSTIN SEIDLE,

APPELLANT.

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 8th day of November, 2021.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

Lara M. Caudy  
Appellate Defender

ATTORNEYS FOR APPELLANT