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Jan 07 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WHYZDOM ANTONIO LEE DOUSE,

APPELLANT.

APPELLATE CASE NO. 2021-000607

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

Counsel for Whyzdom Antonio Lee Douse respectfully requests a **final extension of thirty (30) days, until February 7, 2022**, 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, January 7, 2022. The Court has granted counsel three previous extensions.
2. Counsel for Whyzdom Antonio Lee Douse 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.

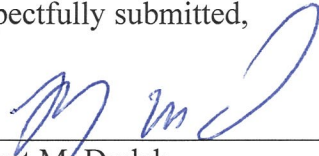
3. Counsel filed a petition for rehearing in the case of The State v. Gregg Pickrell with this Court on December 23, 2021. Counsel is filing a return to the state's petition for writ of certiorari to the Court of Appeals in the case of The State v. Robert Xavier Geter with the Supreme Court on Monday, January 10, 2022. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of The State v. Robert Xavier Geter with the Supreme Court on December 15, 2021. Counsel filed the reply brief of petitioner in the case of The State v. Stewart Jerome Middleton with the Supreme Court on December 6, 2021. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Bryan Austin Seidle with this Court on November 12, 2021, with co-counsel Lara M. Caudy. Counsel had an oral argument before the Supreme Court on November 9, 2021, in the death penalty case of The State v. Timothy Ray Jones, Jr. **Counsel has extensive administrative duties as the Chief Appellate Defender, including 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.

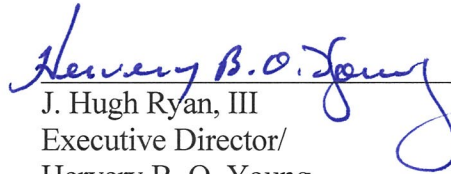
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2022. That extended, emailed general consent was dated December 29, 2021.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until February 7, 2022**, 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/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 7th day of January, 2022.

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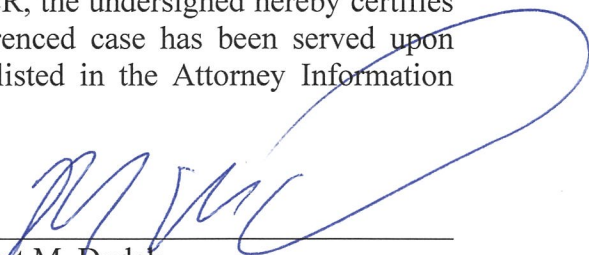
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APPELLANT.

APPELLATE CASE NO. 2021-000607

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 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 January, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.