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Mar 14 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Chesterfield County

Paul M. Burch, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

JAMES MONROE BROWN,

APPELLANT.

APPELLATE CASE NO. 2021-000469

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

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Counsel for James Monroe Brown respectfully requests a **fourth and final thirty (30) day extension until April 13, 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 in this case are due to be served and filed today, March 14, 2022. The Court has granted counsel three previous extensions.
2. Counsel for James Monroe Brown 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 reply brief of petitioner in the case of The State v. David Matthew Carter with the Supreme Court today, March 14, 2022. Counsel filed a brief of petitioner in the case of Antwon M. Baker, Jr., v. State with this Court on March 7, 2022. Counsel filed a return to petition for writ of certiorari to the Court of Appeals in the case of The State v. James Caleb Williams with the Supreme Court on March 2, 2022. Counsel filed the brief of appellant in the case of The State v. Robert Wayne Eaves with this Court on February 25, 2022. Counsel presented at the Appellate Decisions of 2021 Panel for Criminal Law CLE with the Honorable Justice George C. James, Jr., held on Friday, February 18, 2022. Counsel filed the brief of appellant and designation of matter in the case of The State v. Fredrick Williams with this Court on February 17, 2022. Counsel filed the initial brief of appellant and designation of matter with the in the case of The State v. Whyzdom Antonio Lee Douse with this Court on February 7, 2022. Counsel filed a brief of petitioner in the case of The State v. David Matthew Carter with the Supreme Court on January 31, 2022. Counsel presented at the South Carolina Bar Convention CLE on criminal law with the Honorable Judge James Lockemy and Senior Assistant Deputy Attorney General Melody Brown on Friday, January 21, 2022. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight.**

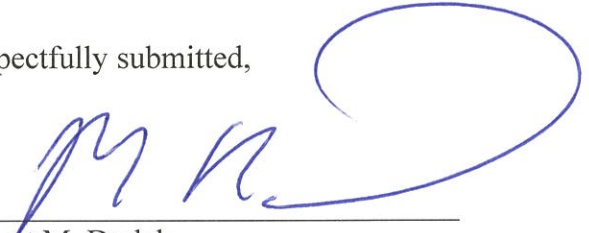
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

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 March 31, 2022. That extended, emailed general consent was dated February 28, 2022.

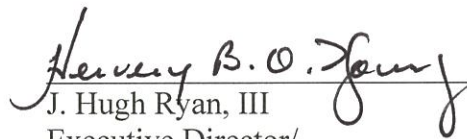
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until April 13, 2022**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender



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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 14th day of March, 2022.

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APPELLATE CASE NO. 2021-000469

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CERTIFICATE OF SERVICE  
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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy 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 14th day of March, 2022.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT.