

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 **final twelve (12) business day extension, from April 13, 2022 until April 29, 2022**, 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 in this case are due to be served and filed today, April 13, 2022. The Court has granted counsel four 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, as lead counsel, is working on the petition for rehearing *in the death penalty case of The State v. Jerome Jenkins, Jr.*, to be filed with the Supreme Court next week. Counsel filed a brief of petitioner in the case of Shana Robinson v. The State with this Court on March 25, 2022. Counsel filed the initial reply brief of appellant in the case of The State v. Bryan Austin Seidle with this Court on March 21, 2022, with co-counsel Lara M. Caudy. Counsel filed a petition for writ of certiorari to the Court of Appeals and appendix in the case of The State v. Gregg Pickrell with the Supreme Court on March 21, 2022. Counsel filed a reply brief of petitioner in the case of The State v. David Matthew Carter with the Supreme Court on 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 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. As for CLE participation, 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 also 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.**

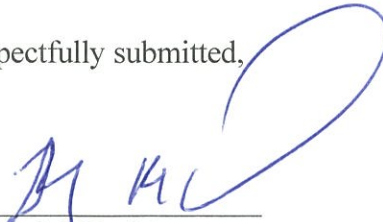
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

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 April 30, 2022. That extended, emailed general consent was dated March 30, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final twelve (12) business day extension until April 29, 2022**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the initial brief of appellant and designation of matter before the deadline if possible.** 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 13<sup>th</sup> day of April, 2022.

**RECEIVED**

**Apr 13 2022**

**SC Court of Appeals**

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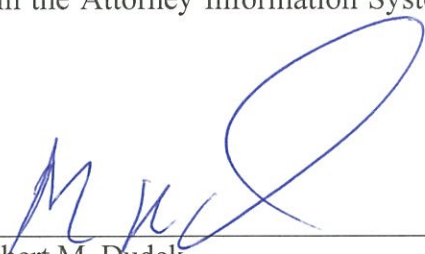
JAMES MONROE BROWN,

APPELLANT.

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 serve and 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 13th day of April, 2022.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT.