

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 26 2022
SC Court of Appeals

Appeal from Horry County

Steven H. John, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CLAYBON LEWIS ATWATER, JR.

APPELLANT

APPELLATE CASE NO. 2021-001320

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

Counsel for Claybon Lewis Atwater respectfully requests a thirty (30) day extension from August 26, 2022 until September 26, 2022, in which to serve and 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. This is a third 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 today.
2. Counsel filed the Brief of Appellant and Record on Appeal in the case of Jacob

Steven Sturgell, Sr. v. The State with this Court on August 16, 2022. Counsel filed the Brief of Respondent in the case of Randy Wright v. The State with the Supreme Court on August 15, 2022. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Marion Wade Frye v. The State with the Supreme Court on August 8, 2022. Counsel filed the Brief of Petitioner in the case of Henry L. Gray v. The State with this Court on August 2, 2022. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Tra'vion Marquis Hampton with this Court on July 27, 2022. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Gregory S. Greene v. The State with the Supreme Court on July 22, 2022. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jeroid J. Price v. The State with the Supreme Court on July 20, 2022. Counsel filed the Brief of Petitioner in the case of Jonathan Holder v. The State with the Supreme Court on July 13, 2022.

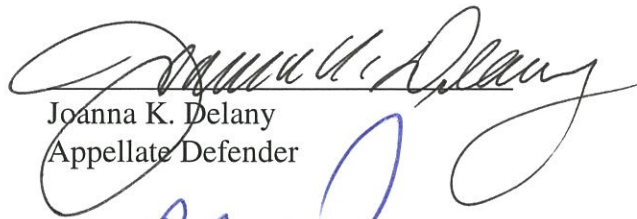
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On July 27, 2022, opposing counsel, the Office of the Attorney General, 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 August 31, 2022.

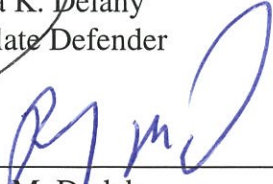
WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from August 26, 2022 until September 26, 2022. Counsel respectfully requests that the time

limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 26th day of August, 2022.

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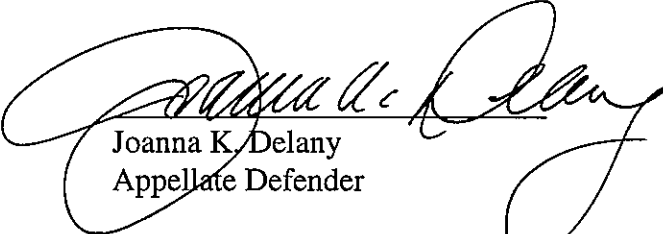
CLAYBON LEWIS ATWATER, JR.

APPELLANT

APPELLATE CASE NO. 2021-001320

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 William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 26th day of August, 2022.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [William Blitch](#)
Cc: [Caroline Collins](#); [Delany, Joanna](#)
Subject: 2021-001320 The State v. Claybon Lewis Atwater
Date: Friday, August 26, 2022 8:44:00 AM
Attachments: [2021-001320 The State v. Claybon Lewis Atwater Third Motion for Extension and COS.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Third Motion for an Extension of Time and accompanying Certificate of Service which will be filed today, August 26, 2022, with the Court of Appeals via email filing.

Respectfully,
Kaylynn

Kaylynn Warren

Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330