

**RECEIVED**

**Oct 26 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Lexington County

Debra R. McCaslin, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

BRYAN C. POWERS,

APPELLANT.

APPELLATE CASE NO. 2022-000226

---

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

---

Counsel for appellant respectfully requests a thirty (30) day extension, 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. On October 28, 2022, counsel, along with co-counsel, will file the brief of petitioner in Marion Alexander Lindsey v. The State with the Supreme Court. On October 19, 2022, counsel filed the initial brief of appellant and designation of matter in The State v.


Sebastian Dominic Kaisk with the Court of Appeals. On October 5, 2022, counsel filed the brief of petitioner in The State v. Stacardo Grissett with the Supreme Court. On September 28, 2022, counsel filed the brief of petitioner in Michael Orlando Brown v. The State with the Court of Appeals. On September 28, 2022, counsel filed the brief of petitioner in Keith Denver Tate v. The State with the Court of Appeals. From September 19, 2022 through September 21, 2022, counsel attended the Annual Public Defender Conference in Myrtle Beach. On September 15, 2022, counsel had an oral argument in The State v. Nyquan Brown before the Court of Appeals. On September 14, 2022, counsel had an oral argument in The State v. Russell Levon Johnson before the Supreme Court. On September 7, 2022, counsel filed the initial brief of appellant and designation of matter in The State v. Paulette Sims with the Court of Appeals. On August 30, 2022, counsel filed the petition for writ of certiorari and accompanying appendix in Scott Welch v. The State with the Supreme Court. On August 26, 2022, counsel filed the initial brief of appellant and designation of matter in The State v. Nathaniel Rowland with the Court of Appeals.


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 September 28, 2022, opposing counsel, the Attorney General's Office, 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 October 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
\_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

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

This 26th day of October, 2022.

**RECEIVED**  
**Oct 26 2022**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Lexington County

Debra R. McCaslin, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

BRYAN C. POWERS,

APPELLANT.

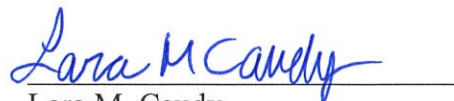
APPELLATE CASE NO. 2022-000226

---

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 26th day of October, 2022.



---

Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Leverett, Scott](#)  
**To:** [SC - BROWN MELODY](#)  
**Cc:** [SC - BROWN ANGELA](#); [Caudy, Lara](#)  
**Subject:** Bryan C. Powers - Extension 3 - Appellate Case No. 2022-000226  
**Date:** Wednesday, October 26, 2022 1:21:00 PM  
**Attachments:** [Bryan C. Powers - Extension 3 - Appellate Case No. 2022-000226.pdf](#)

---

Dear Ms. Brown,

Attached please find a copy of the third extension in the above referenced case that is being filed today, October 26, 2022, with the Court of Appeals.

-Scott Leverett  
Admin. Asst. for Lara Caudy  
Appellate Defense