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Dec 08 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
The Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROBERT LEE CARTER, JR.

APPELLANT

APPELLATE CASE NO. 2022-000396

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

Counsel for Robert Lee Carter respectfully requests a thirty (30) day extension from December 8, 2022, until January 9, 2023, 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 appeared before this Court for Oral Argument in the case of The State v. Rodney J. Furtick on December 6, 2022. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Elijah Green v. The State with the Supreme Court on November 22,

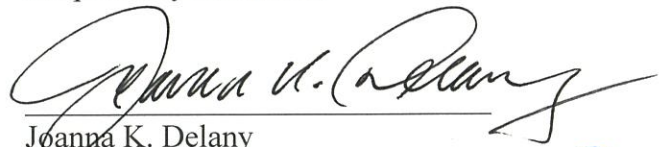
2022. Counsel appeared before the Supreme Court for Oral Argument in the case of The State v. Jon Paul Smart in Orangeburg, South Carolina on November 16, 2022. Counsel filed the Reply Brief of Petitioner in the case of Jonathan Matthew Holder v. The State with the Supreme Court on November 2, 2022.

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.

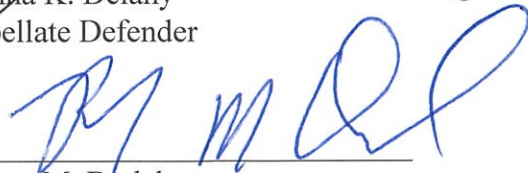
4. On November 29, 2022, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from December 8, 2022, 2022 until January 9, 2023. 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 8th day of December, 2022.

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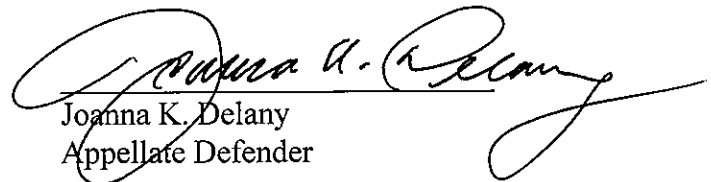
ROBERT LEE CARTER, JR.

APPELLANT

APPELLATE CASE NO. 2022-000396

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 8th day of December, 2022.


Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [William Blich](#)
Cc: [Delany, Joanna](#); [Caroline Collins](#)
Subject: 2022-000396 The State v. Robert Lee Carter, Jr.
Date: Thursday, December 8, 2022 10:58:00 AM
Attachments: [2022-000396 The State v. Robert Lee Carter, Jr. 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, December 8, 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