

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

Jan 13 2023

SC Court of Appeals

Appeal from Edgefield County

Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BARRY WAYNE JONES,

APPELLANT.

APPELLATE CASE NO. 2022-000046

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

Counsel for appellant respectfully requests a **final extension of eleven business days, until January 31, 2023**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel regrets having to request this extension and will make every effort to file the brief prior to the deadline.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fifth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel four previous extensions. **Counsel understands that a fifth extension is strongly disfavored.**

2. Counsel for appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **The transcripts in this case are nearly nineteen hundred pages. Counsel is actively working on the brief and intends to raise at least three issues.** Due to the complexity of the case and the issues to be raised, an additional final extension is needed. Given the number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Today, January 13, 2023, counsel will file the petition for writ of certiorari and accompanying appendix in Lance Leon Miles v. The State with the Supreme Court. On December 20, 2022, counsel filed the brief of appellant and designation of matter in The State v. Bryan Powers with the Court of Appeals. On December 15, 2022, counsel filed the petition for rehearing in The State v. Nyquan Tykie Brown with the Court of Appeals. On December 13, 2022, counsel filed the petition for writ of certiorari and accompanying appendix in Mark Lorenzo Blake v. The State with the Supreme Court. On December 5, 2022, counsel had an oral argument in Dominic Leggette v. The State before the Court of Appeals. On November 30, 2022, counsel filed the initial brief of appellant and designation of matter in The State v. William Cornelius Sanders with the Court of Appeals. On November 10, 2022, counsel filed the initial brief of appellant and designation of matter in In the Matter of the Care and Treatment of Shawn Torlif Daily with the Court of Appeals. On November 9, 2022, counsel filed the brief of respondent in The State v. Montrelle Lamont Campbell with the Supreme Court.

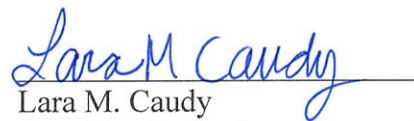
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that her caseload will

hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office consents to this request by way of reciprocal consent to all extensions between the Attorney General's Office and Appellate Defense through January 31, 2023.

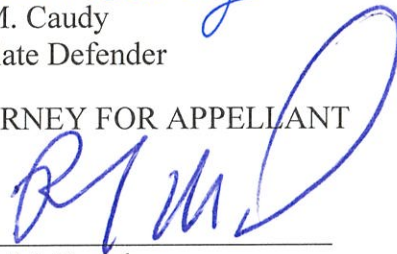
WHEREFORE, the undersigned counsel would respectfully request a **final extension of eleven business days until January 31, 2023**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

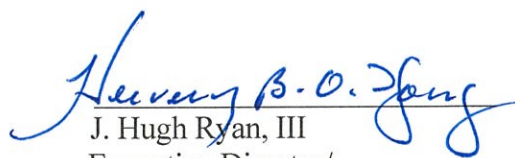


Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT



Robert M. Dudek  
Chief Appellate Defender



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 13th day of January, 2023.

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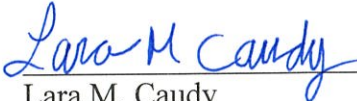
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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above referenced case has been served upon Melody Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 13th day of January, 2023.

  
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Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Bryant, Hannah](#)  
**To:** [Melody Brown](#); [Angela Brown](#); [Caudy, Lara](#); [Leverett, Scott](#)  
**Subject:** Barry Jones Extension 5 2022-000046  
**Date:** Friday, January 13, 2023 10:34:00 AM  
**Attachments:** [Barry Jones EXT 5 2022-000046.pdf](#)

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Dear Ms. Brown,

Please find attached a copy of the fifth extension request in the above referenced case.

Hannah Bryant for Scott Leverett, Admin Assistant to Lara Caudy