

**RECEIVED**  
**Jan 27 2023**  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Darlington County

Michael G. Nettles, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DABRY AUNTA JAMES,

APPELLANT.

APPELLATE CASE NO. 2022-000471

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

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Counsel for Dabry Auntá James respectfully requests a thirty (30) day extension from January 27, 2023 until February 27, 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 filed the brief of petitioner in the case of James A. Gardner v. State, with this Court on Wednesday, January 18, 2023. Counsel filed the Anders Brief of Appellant and

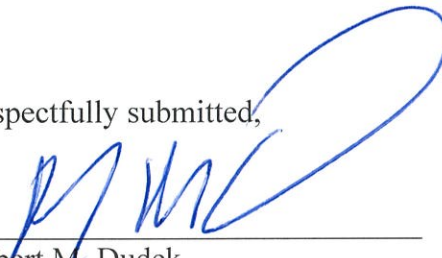
Record on Appeal in the murder case of Kenneth Tyrone Wherry v. The State with this Court on January 12, 2023. Counsel conducted a CLE presentation and training on Preserving the Record for Appellate Review for the Fifth Circuit Public Defender's Office on January 6, 2023. Counsel filed the Initial Brief of Respondent in the case of The State v. Bowen Gray Turner In Re: Victim C.B. with this Court on December 22, 2022. Counsel filed the Brief of Respondent in the case of John Perry v. The State with the Supreme Court on December 15, 2022. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Marcus McFadden v. The State with the Supreme Court on December 14, 2022. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals and the Appendix in the murder case of Malette Denise Kimbrough v. The State with the Supreme Court on December 1, 2022. Counsel filed the Initial Brief of Appellant and Designation of Matter in the murder case of The State v. Donovan Brannon with this Court on November 18, 2022. Counsel filed the Brief of Respondent in the murder case of The State v. Robert Xavier Geter with the Supreme Court on November 14, 2022. Counsel filed the Motion for Stay of Execution and for the Appointment of a Post-Conviction Relief Judge in the death penalty case of The State v. Jerome Jenkins, Jr. with the Supreme Court on Thursday, November 10, 2022. Counsel, with co-counsel David Alexander and Lara M. Caudy, filed the brief of petitioner in the death penalty case of Marion Alexander Lindsey v. The State with the Supreme Court on November 4, 2022. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

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 December 28, 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 January 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from January 27, 2023 until February 27, 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,



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Robert M. Dudek  
Chief Appellate Defender

This 27th day of January, 2023.

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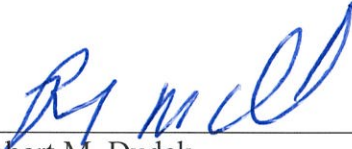
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CERTIFICATE OF SERVICE

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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 William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 27th day of January, 2023.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [William Blich](#)  
**Cc:** [Dudek, Robert](#); [Caroline Collins](#)  
**Subject:** 2022-000471 The State v. Dabry Aunta James  
**Date:** Friday, January 27, 2023 8:54:00 AM  
**Attachments:** [2022-000471 The State v. Dabry Aunta James Third Motion for Extension and COS.pdf](#)

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Good Morning,

Attached for service in the above-referenced case is the Third Motion for Extension and Certificate of Service which will be filed today, January 27, 2023, 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