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Mar 06 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 Aunta James respectfully requests a **fourth and final thirty (30) day extension from March 6, 2023 until April 5, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth 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 with the Court today.
2. Counsel for Dabry Aunta James respectfully submits that extraordinary

circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel will appear before the Supreme Court for oral argument in the case of *The State v. James Caleb Williams* on Wednesday, March 8, 2023. Counsel conducted a CLE presentation and training on Preserving the Record for Appellate Review for the Sixteenth Circuit Public Defender's Office on March 3, 2023. Counsel was a panelist for a CLE presentation on Criminal Practice in South Carolina for the South Carolina Bar CLE Division on February 24, 2023. Counsel conducted a CLE presentation and training on Preserving the Record for Appellate Review for the Fifteenth Circuit Public Defender's Office on February 22, 2023. 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 also has extensive**

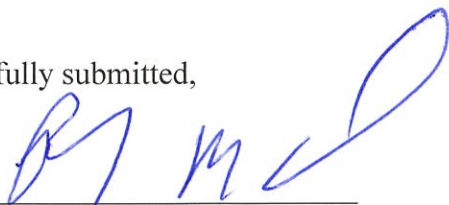
**administrative duties as the Chief Appellate Defender.**

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

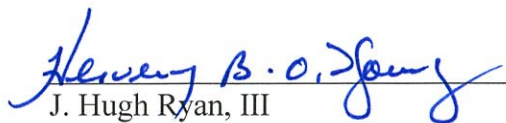
5. On February 28, 2023, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from March 6, 2023 until April 5, 2023** , in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Robert M. Dudek  
Chief Appellate Defender



J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training Director

This 6th day of March, 2023.

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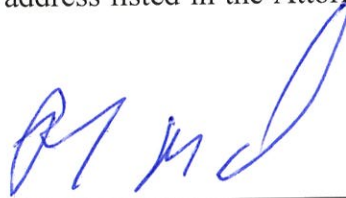
APPELLATE CASE NO. 2022-000471

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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 6th day of March, 2023.



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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [William Blitch](#)  
**Cc:** [Dudek, Robert](#); [Caroline Collins](#)  
**Subject:** 2022-000471 The State v. Dabry Aunta James  
**Date:** Monday, March 6, 2023 9:09:00 AM  
**Attachments:** [2022-000471 The State v. Dabry Aunta James Fourth Motion for Extension and COS.pdf](#)

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Good Morning,

Attached for service in the above-referenced case is the Fourth Motion for Extension and Certificate of Service which will be filed today, March 6, 2023, with the Court of Appeals via OneDrive.

Respectfully,

Kaylynn

**Kaylynn Warren**

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330