

**RECEIVED**  
**Mar 06 2023**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Orangeburg County

Roger M. Young, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

BOWEN GRAY TURNER,

APPELLANT.

APPELLATE CASE NO. 2022-001018

---

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

---

Undersigned counsel for Bowen Gray Turner and co-counsel Lara M. Caudy, Esq. respectfully request a **fifth and final ten (10) day extension from March 6, 2023 until Thursday, March 16, 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. 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 Bowen Gray Turner respectfully submits that extraordinary

circumstances exist which warrant the granting of an additional extension of time, including the fact that four meritorious legal issues are being briefed in this case. Given the number of extensions previously granted, counsel does not intend to ask for any further extensions.

3. Counsel Robert M. Dudek will appear before the Supreme Court for oral argument as the respondent in the case of The State v. James Caleb Williams on Wednesday, March 8, 2023. Counsel conducted a three hour CLE presentation and training on Preserving the Record for Appellate Review for the Sixteenth Circuit Public Defender's Office in York County on Friday, 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 Friday, February 24, 2023 in Columbia, South Carolina. Counsel conducted another three hour CLE presentation and training on Preserving the Record for Appellate Review for the Fifteenth Circuit Public Defender's Office in Conway 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 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 in Columbia. 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. On February 21, 2023, co-counsel Lara M. Caudy filed the petition for writ of certiorari to the Court of Appeals in The State v. Nyquan Brown with the Supreme Court. On February 17, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Aaron Van Hendrix v. The State with the Supreme Court. On February 13, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Timothy James Wright v. The State with the Supreme Court. On February 6, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Regina Owings v. The State with the Supreme Court. On January 31, 2023, counsel filed the initial brief of appellant and designation of matter in The State v. Barry Wayne Jones with this Court. On January 13, 2023, counsel filed 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 this Court. On December 15, 2022, counsel filed the petition for rehearing in The State v. Nyquan Tykie Brown with this Court. 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 this Court.

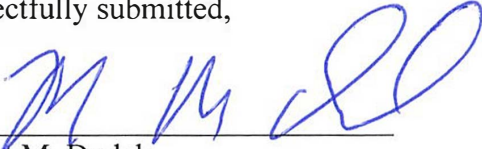
5. Counsel and co-counsel make this request in good faith and not for purpose of delay.

6. Counsel has consulted with opposing counsel, Matthew Buchanan, and he graciously consents or does not oppose this motion for an extension.

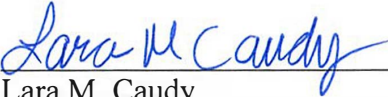
WHEREFORE, the undersigned counsel would respectfully request a **fifth and final ten (10) day extension from March 6, 2023 until March 16, 2023**, in which to serve and file the

Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

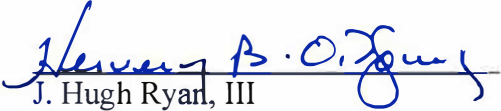
Respectfully submitted,



Robert M. Dudek  
Chief Appellate Defender



Lara M. Caudy  
Appellate Defender



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

This 6th day of March, 2023.

**RECEIVED**

**Mar 06 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Orangeburg County

Honorable Roger M. Young, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

BOWEN GRAY TURNER,

APPELLANT.

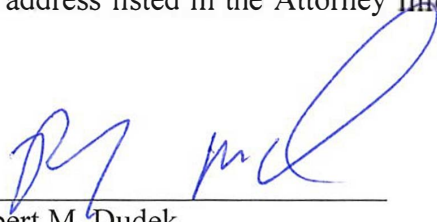
APPELLATE CASE NO. 2022-001018

---

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 Matthew C. Buchanan, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 6th day of March, 2023.

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

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [SC - BUCHANAN MATTHEW](#)  
**Cc:** [Dudek, Robert](#); [Caudy, Lara](#); [SC - NICHOLS DAWN](#)  
**Subject:** 2022-001018 The State v. Bowen Gray Turner  
**Date:** Monday, March 6, 2023 9:15:00 AM  
**Attachments:** [2022-001018 The State v. Bowen Gray Turner Fifth Motion for Extension and COS.pdf](#)

---

Good Morning,

Attached for service in the above-referenced case is the Fifth Motion for Extension and accompanying 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