

**RECEIVED**

**Apr 13 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

GEORGE HOLMES,

APPELLANT

APPELLATE CASE NO. 2022-000728

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MOTION TO FILE EXTENSION REQUEST OUT OF TIME  
AND FOR A THIRTY DAY EXTENSION

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The undersigned counsel respectfully requests the Court allow counsel to file an extension request to serve and file the initial brief of appellant and designation of matter in the above referenced case out of time. Counsel also respectfully requests a thirty day extension in which to serve and file this brief. In support of this motion counsel submits the following:

1. The initial brief of appellant and designation of matter were due to be served and filed with this Court on March 31, 2023. Two prior extensions have been granted.

2. Due to an administrative error, the third motion for an extension of time to serve and file the initial brief of appellant and designation of matter was served on opposing counsel, William M. Blich, Jr., on March 31, 2023, but not properly filed with this Court. The Court's e-

filing address, ctappfilings@sccourts.org, was inadvertently not included on the e-mail which sought unsuccessfully to file the extension motion with this Court.

3. Counsel respectfully requests a thirty day extension in which to serve and file this brief due to her heavy workload.

4. On April 14, 2023, counsel, along with co-counsel, filed the petition for rehearing in The State v. Timothy Ray Jones, Jr. with the Supreme Court. On April 4, 2023, counsel filed the petition for rehearing in Matthew Dwyer v. State with the Court of Appeals. On March 29, 2023, counsel filed the petition for writ of certiorari, the petition for writ of certiorari pursuant to Austin v. State, and the accompanying appendix in Marcus Daniel Allison v. The State with the Supreme Court. On March 16, 2023, counsel filed the initial brief of appellant and designation of matter in The State v. Bowen Gray Turner with the Court of Appeals. On March 10, 2023, counsel filed the brief of appellant and designation of matter in The State v. Joshua Manning with the Court of Appeals. On February 21, 2023, counsel 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.

5. Counsel makes this request in good faith and not for purposes of delay. Counsel intends to continue to work on 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.

6. On April 4, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of a general consent granted in writing by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through April 30, 2023. Additionally, undersigned counsel spoke with opposing counsel, William M. Blich, Jr., and is authorized to state Respondent does not oppose the motion to file the extension request out of time.

WHEREFORE, based upon the above showing, counsel for Appellant respectfully requests the Court allow counsel to file an extension request to serve and file the initial brief of appellant and designation of matter in the above referenced case out of time, and for a thirty day extension in which to serve and file this brief.

Respectfully submitted,

s/ Lara M. Caudy \_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

April 13, 2023

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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 to File Extension Request Out of Time and for a Thirty Day Extension in the above referenced case has been served upon William M. Blich, Jr., Esquire, at the primary email address listed in the Attorney Information System (AIS), this 13th day of April, 2023.

s/ Lara M. Caudy  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Bryant, Hannah](#)  
**To:** [SC - BLITCH WILLIAM](#); [SC - COLLINS CAROLINE](#); [Caudy, Lara](#)  
**Subject:** George Holmes Appellate Case No. 2022-000728 Extension Extension 3  
**Date:** Thursday, April 13, 2023 3:42:00 PM  
**Attachments:** [2022-000728 - State v. George Holmes - Motion to File Extension Out of Time and Motion for Third Extension.pdf](#)  
[George Holmes Extension 3 Appellate Case No. 2022-000728.pdf](#)

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Dear Mr. Blicht,

Please find attached for service a copy of the third extension in the above referenced case, as well as the motion to file out of time, which will be filed in the Court of Appeals today.

**Hannah Bryant**

Administrative Assistant  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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(803)-734-1330