

RECEIVED

Apr 14 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Edgefield County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GABRIEL DANTRAY CURRY,

APPELLANT

APPELLATE CASE NO. 2022-000966

MOTION TO FILE A FIRST EXTENSION FOR THE INITIAL BRIEF OF
APPELLANT AND DESIGNATION OF MATTER OUT OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests the relaxation of Rule 263(b), SCACR, and allow leave in which to file out of time a sixty (60) day extension for the Initial Brief of Appellant and Designation of Matter in this case. In support of this motion counsel submits the following.

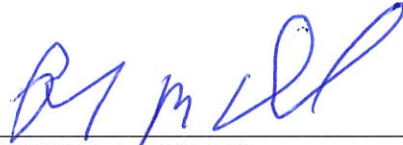
1. The Initial Brief of Appellant and Designation of Matter in this case were scheduled to be filed with this Court on March 6, 2023.
2. However, this date was inadvertently not calendared and Counsel did not file the brief within the allotted period.

3. Counsel for the state, Melody J. Brown, Esquire, of the Attorney General's Office graciously consented to this motion this morning

4. Counsel makes this request in good faith and not for purposes of delay. Counsel apologizes to this Court for this calendaring error. Since this calendaring error occurred more than thirty days ago, counsel is forced to most respectfully request a sixty (60) day extension rather than a thirty (30) day extension.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant counsel's request to relax Rule 263(b), SCACR, and grant this sixty (60) day extension from March 6, 2023 for the Initial Brief of Appellant and Designation of Matter in this case to be filed out of time based upon the above circumstances.

Respectfully submitted,



ROBERT M. DUDEK
Appellate Defender

ATTORNEY FOR APPELLANT

April 14, 2023

RECEIVED

Apr 14 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Edgefield County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

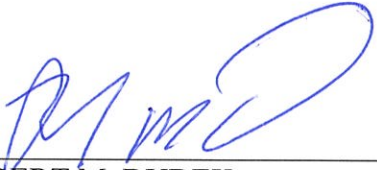
V.

GABRIEL DANTRAY CURRY,

APPELLANT

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 TO FILE A FIRST EXTENSION FOR THE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER OUT OF TIME in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS) this 14th day of April, 2023.



ROBERT M. DUDEK
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BROWN MELODY; Angela Brown](#)
Cc: [Dudek, Robert; Warren, Kaylynn](#)
Subject: Curry, G. - Motion to file extension out of time - 2022-000966
Date: Friday, April 14, 2023 11:36:00 AM
Attachments: [Curry, G. - Motion to file extension out of time - 2022-000966.pdf](#)

Ms. Brown,

Please find attached for service the Motion to File a First Extension for the Initial Brief of Appellant and Designation of Matter Out of Time for Gabriel Curry's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330