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Apr 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from York County

Honorable Brian Gibbons, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

HAROLD GENE WHITE III,

APPELLANT

APPELLATE CASE NO. 2022-000579

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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 Harold Gene White respectfully requests a **fourth and final thirty (30) day extension from April 28, 2023 until May 29, 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 Harold Gene White 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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Motion to Reconstruct the Record of Petitioner's PCR Hearing or Motion for a New PCR Hearing in the case of Breon Alexandre v. The State with the Supreme Court on March 31, 2023. Counsel filed the Reply Brief of Petitioner in the case of The State v. Richard Kenneth Galloway with the Supreme Court on March 24, 2023. Counsel appeared for a remand hearing before the Honorable Eugene C. Griffith in Greenwood County in the case of The State v. Terrence O. Frazier on March 3, 2023. Counsel filed the *Johnson* Petition for Writ of Certiorari and the Appendix in the case of Mark Anthony Bayne v. The State with the Supreme Court on February 21, 2023. Counsel appeared for Oral Argument before the Supreme Court in the case of The State v. Randy Wright on February 8, 2023.

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 April 4, 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 April 30, 2023.

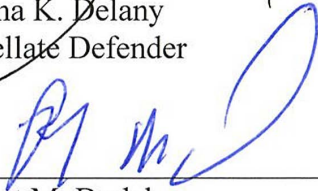
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from April 28, 2023 until May 29, 2023**, in which to serve and file

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

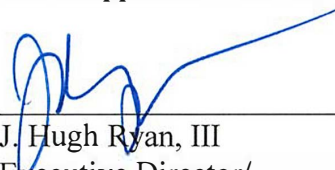
Respectfully submitted,



Joanna K. Delany  
Appellate Defender



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 28th day of April, 2023.

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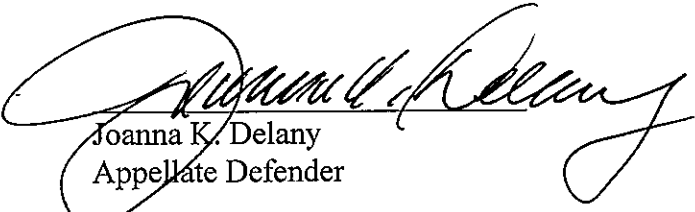
APPELLATE CASE NO. 2022-000579

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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 28th day of April, 2023.



Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [William Blich](#)  
**Cc:** [Delany, Joanna](#); [Caroline Collins](#)  
**Subject:** 2022-000579 The State v. Harold Gene White III  
**Date:** Friday, April 28, 2023 9:01:00 AM  
**Attachments:** [2022-000579 The State v. Harold Gene White III 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 which will be filed today, April 28, 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