

RECEIVED

Apr 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County

Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES B. CURRY,

APPELLANT

APPELLATE CASE NO. 2022-001104

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

Counsel for James B. Curry respectfully requests a thirty (30) day extension from April 28, 2023 until May 30, 2023, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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 today.
2. Counsel filed the Johnson Petition for Writ of Certiorari and the Appendix in the case of James L. Arthur v. The State with the Supreme Court on April 14, 2023. Counsel filed

the Petition for Writ of Certiorari and the Appendix in the case of Ashley L. Hammitt v. The State with the Supreme Court on April 7, 2023. Counsel filed the Initial Brief of Appellant in the case of The State v. Darrell D. Wilson with the Court of Appeals on April 5, 2023. Counsel filed the Petition for Writ of Certiorari in the case of Maurice Anthony Odom v. The State with the Supreme Court on March 27, 2023. Counsel filed the *Anders* Brief of Appellant and the Record on Appeal in the case of The State v. Jerry Cecil Edwards with the Court of Appeals on March 15, 2023. Counsel filed the Petition for Writ of Certiorari, the Brief of Appellant Pursuant White v. State, and the Appendix in the case of Markese East v. The State with the Supreme Court on March 8, 2023. Counsel filed the Initial Brief of Appellant and the Designation of Matter in the case of The State v. Ronald Lee Lyons with the Court of Appeals Wednesday, March 8, 2023. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Johnny Chapman v. The State with the Supreme Court on March 7, 2023.

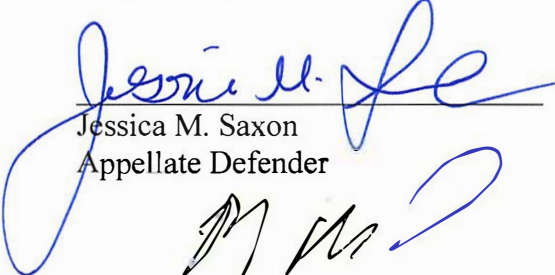
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On April 4, 2023, opposing counsel, the Attorney General's Office, 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.

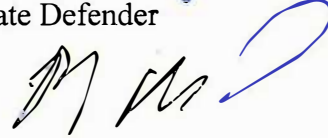
WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from April 28, 2023 until May 30, 2023. Counsel respectfully requests that the time

limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 28th day of April, 2023.

RECEIVED

Apr 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

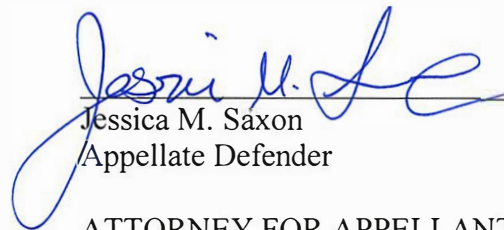
JAMES B. CURRY,

APPELLANT

APPELLATE CASE NO. 2022-001104

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 William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 28th day of April, 2023.


Jessica M. Saxon
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: wblitch@scag.gov; ccollins@scag.gov
Cc: [Saxon, Jessica](#)
Subject: 2022-001104 The State v. James B. Curry Third Motion for Extension
Date: Friday, April 28, 2023 10:36:00 AM
Attachments: [2022-001104 The State v. James B. Curry Third Motion for Extension.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Third Motion for Extension in which to serve and file the Initial Brief of Appellant, which will be filed today, April 28, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29201-1589
(803) 734-1330 – Telephone
(803) 734-1397 - Fax