

RECEIVED
May 30 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 **fourth and final thirty (30) day extension from May 30, 2023, until June 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 James B. Curry 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.

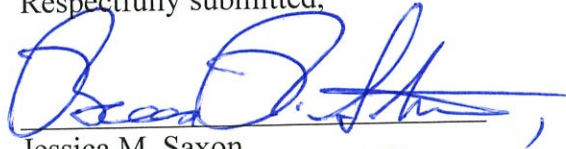
3. **Counsel will file the Initial Brief of Appellant and Designation of Matter in this case on or before the deadline, if possible.** Counsel filed the Anders Brief of Appellant in the case of The State v. Devajay R. Stevens with this Court on May 19, 2023. Counsel filed the Petition for Rehearing in the case of The State v. Gary M. Wirtz with this Court on May 18, 2023. Counsel filed the Johnson Petition for Writ of Certiorari in the case of William S. Vanderford v. The State with the Supreme Court on May 12, 2023. Counsel filed the Petition for Writ of Certiorari in the case of Richard Andrew Hagins v. The State with the Supreme Court on May 1, 2023. Counsel filed the Johnson Petition for Writ of Certiorari in the case of Tron Haney v. The State with the Supreme Court on April 28, 2023. Counsel filed the Petition for Rehearing in the case of The State v. Calvin D. Ford with this Court on April 24, 2023. 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.

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 28, 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 May 31, 2023.

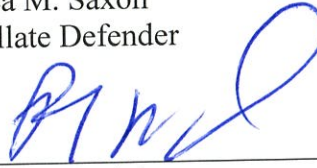
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from May 30, 2023, until June 29, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances. **Counsel will file the Initial Brief of Appellant and Designation of Matter in this case on or before the deadline, if possible.**

Respectfully submitted,

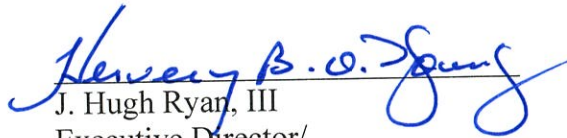


For

Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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

This 30th day of May, 2023.

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THE STATE,

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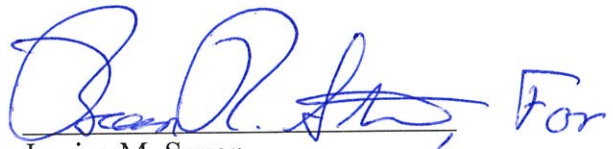
JAMES B. CURRY,

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 30th day of May, 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 Fourth Motion for Extension
Date: Tuesday, May 30, 2023 12:24:00 PM
Attachments: [2022-001104 The State v. James B. Curry Fourth Motion for Extension.pdf](#)

Good Afternoon,

Please find attached for service in the above-referenced case the Fourth Motion for Extension in which to serve and file the Initial Brief of Appellant and Designation of Matter.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
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