

RECEIVED

Jun 05 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Edgefield County

Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GABRIEL DANTRAY CURRY,

APPELLANT

APPELLATE CASE NO. 2022-000966

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

Counsel for Gabriel Dantray Curry respectfully requests a thirty (30) day extension from June 5, 2023 until July 5, 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 Brief of Appellant and the Record on Appeal in the murder case of The State v. Earl Gene Johnson, Jr. with the Court of Appeals on June 1, 2023. Counsel is

second chair in South Carolina v. Angela Brewer in which a brief in opposition to the state's petition for writ of certiorari was filed on Monday, May 15, 2023. Counsel was on vacation from May 1-13, 2023. Counsel has been working on the present murder case, State v. Gabriel Curry, which involves a lengthy trial transcript and a multitude of trial exhibits. Counsel filed the Reply Brief of Petitioner for the capital appeal in the case of Marion Alexander Lindsey v. The State on or about April 28, 2023. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Bowen Gray Turner with the Court of Appeals on April 25, 2023. Counsel filed the petition for rehearing in the death penalty case of The State v. Timothy Ray Jones, Jr. on April 13, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the murder case of The State v. Dabry Aunta James with the Court of Appeals on April 5, 2023. Counsel appeared before the Supreme Court for oral argument in the murder case of The State v. William C. Sellers on Thursday, March 30, 2023. Counsel and co-counsel Lara M. Caudy filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Bowen Gray Turner with the Court of Appeals on March 16, 2023. Counsel appeared before the Supreme Court for oral argument as the respondent in the attempted case of The State v. James Caleb Williams on March 8, 2023. Counsel conducted a CLE presentation and training on Preserving the Record for Appellate Review for the Sixteenth Circuit Public Defender's Office on March 3, 2023. Counsel was a panelist for a CLE presentation on Criminal Practice in South Carolina for the South Carolina Bar CLE Division on February 24, 2023. Counsel conducted a CLE presentation and training on Preserving the Record for Appellate Review for the Fifteenth Circuit Public Defender's Office on February 22, 2023. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

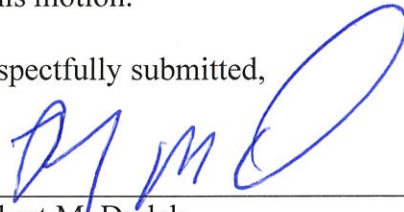
3. This request is made in good faith, and not for purposes of delay. Counsel intends

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 May 31, 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 June 30, 2023

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from June 5, 2023 until July 5, 2023. Counsel expects to file the initial brief and designation of matter before that deadline absent unforeseen circumstances. 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,



Robert M. Dudek
Chief Appellate Defender

This 5th day of June, 2023.

RECEIVED

Jun 05 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.

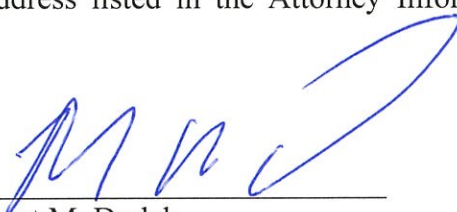
GABRIEL DANTRAY CURRY,

APPELLANT

APPELLATE CASE NO. 2022-000966

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 5th day of June, 2023.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Angela Brown](#); [Dudek, Robert](#)
Subject: 2022-000966 The State v. Gabriel Dantray Curry
Date: Monday, June 5, 2023 11:34:00 AM
Attachments: [2022-000966 The State v. Gabriel Dantray Curry Third Motion for Extension and COS.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Third Motion for Extension which will be filed today, June 5, 2023, with the Court of Appeals via OneDrive.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330