

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Sep 13 2023

S.C. SUPREME COURT

Certiorari to Horry County

Honorable H. Steven DeBerry IV, Circuit Court Judge

HENRY DUKES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000522

MOTION FOR AN EXTENSION OF TIME
TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Henry Jermaine Dukes respectfully requests an extension of thirty (30) days from **September 13, 2023 until October 13, 2023** in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.

2. Counsel for Henry Jermaine Dukes 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 Initial Brief of Appellant and Designation of Matter in the case of The State v. Shemual N. Yisrael with the Court of Appeals on August 30, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Derrick A. McIlwain with the Court of Appeals on August 24, 2023. Counsel submitted a proposed order to Judge Eugene C. Griffith in the remand case of The State v. Terrence O'Neil Frazier on August 15, 2023. Counsel appeared before the Honorable Deadra L. Jefferson via WebEx for reconstruction hearings in the cases of The State v. Marvin Donte Bryan and Breon Alexandre v. The State on August 8, 2023.

4. Counsel makes this request in good faith and not for purpose of delay.


5. On September 1, 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 September 30.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from **September 13, 2023 until October 13, 2023**, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 13th day of September, 2023.