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Oct 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

H. Steven DeBerry, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRONAHZ J.S. WHITTINGTON,

APPELLANT.

APPELLATE CASE NO. 2023-000535

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

Counsel for appellant respectfully requests a thirty (30) day extension, 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. From October 9, 2023 through October 11, 2023, counsel attended the Annual Public Defender Conference in Myrtle Beach. On October 4, 2023, counsel had an oral argument in The State v. Demontay Markeith Payne before the Supreme Court. Counsel filed

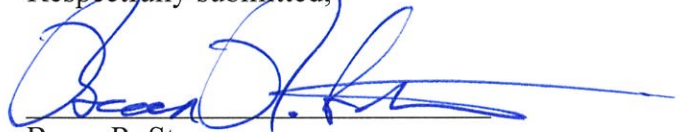
the initial brief of appellant in the case of State v. Sosa Croft with the Court of Appeals on September 22, 2023. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Eric Harper v. State with the Supreme Court on September 6, 2023. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of William T. Smith v. State with the Supreme Court on August 23, 2023. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Sidney Stclair Moorer with the Supreme Court on August 18, 2023. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jaylen Bell with the Court of Appeals on August 14, 2023. Counsel filed the initial brief of appellant and designation of matter in the case of State v. David Hayden with the Court of Appeals on July 24, 2023. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Quayshaun X. Clark with the Court of Appeals on July 14, 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 October 3, 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 October 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Breen R. Stevens
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 16th day of October, 2023.

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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 16th day of October, 2023.



Breen R. Stevens
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Leverett, Scott](#)
To: [SC - BROWN MELODY](#)
Cc: [SC - BROWN ANGELA](#); [Stevens, Breen](#)
Subject: Tronahz J.S. Whittington - Extension 3 - Appellate Case No. 2023-000535
Date: Monday, October 16, 2023 11:47:00 AM
Attachments: [Tronahz J.S. Whittington - Extension 3 - Appellate Case No. 2023-000535.pdf](#)

Dear Ms. Brown,

Attached please find a copy of the third extension in the above referenced case that is being filed today, October 16, 2023, with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Breen Stevens
Appellate Defense