

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHANNON T. PRESTON,

APPELLANT

APPELLATE CASE NO. 2022-001474

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

Counsel for Channon Talon Preston respectfully requests a **final ten (10) business-day extension from November 13, 2023, until November 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 fifth and final request for an extension. Counsel regrets the necessity of his extension, *and he will file the initial brief and designation of matter before the requested deadline if possible.* In support of this request, counsel shows this Court:

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 Channon Talon Preston 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 his caseload, counsel hopes that no further extension requests will be required.

3. Counsel has identified meritorious legal issues as he continues to work on this case in preparation of filing the initial brief of appellant and designation of matter with this Court. However, counsel, along with co-counsel David Alexander and Lara M. Caudy, must file a Petition for Writ of Certiorari in death penalty the case of The State v. Timothy Ray Jones with the United States Supreme Court on Thursday, November 16, 2023. That same day, November 16, 2023, Counsel is presenting oral argument before this Court in the seven legal issue murder appeal case of The State v. Keirin M. Dennis. In addition, counsel is presenting on Preserving the Trial Record for Appellate Review and Post-Conviction Relief at the Public Defense 101 conference on November 21, 2023 in Columbia, Counsel filed the petition for writ of certiorari and appendix in the case of Joshua Maiden v. The State with the Supreme Court on November 2, 2023. On October 24, 2023, Counsel presented oral argument at Furman University in the case of The State v. Gregg Pickrell before the Supreme Court. Counsel filed the Brief of Respondent in the case of The State v. Phillip Wayne Lowery with the Supreme Court on October 18, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jason Simmons v. The State with the Supreme Court on October 13, 2023. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Deavion Jahquwan Burgess with this Court on September 29, 2023. Counsel along with co-counsel, Lara M. Caudy, filed an amended petition for writ of certiorari to the Court of Appeals in the case of The State v. Tammy Caison Moorer with the Supreme Court also on September 29, 2023. On September 13, 2023, Counsel

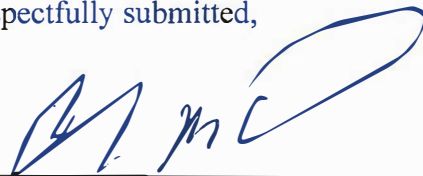
presented oral argument in the case of The State v. Robert X. Geter in the Supreme Court.
Counsel also has extensive administrative duties as the Chief Appellate Defender.

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.

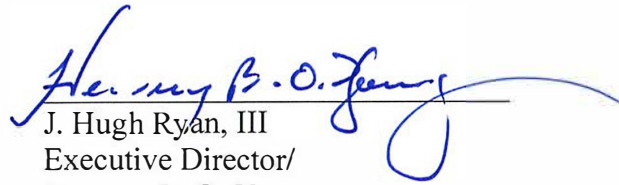
5. On October 31, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through November 30, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final ten (10) business-day extension from November 13, 2023, until November 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 before this deadline if possible.** Counsel requests that the timelines in this case be held in abeyance pending a ruling on this petition.

Respectfully submitted,



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 13th day of November, 2023.

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Nov 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

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APPELLANT

APPELLATE CASE NO. 2022-001474

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 13th day of November, 2023.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: [SC - BROWN MELODY; Angela Brown](#)
Cc: [Dudek, Robert](#)
Subject: 2022-001474 The State v. Channon T. Preston - Fifth Motion for Extension
Date: Monday, November 13, 2023 8:27:00 AM
Attachments: [2022-001474 The State v. Channon T. Preston Fifth Motion for Extension.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Fifth Motion for Extension in which to serve and file the initial brief of appellant and designation of matter. This extension will be filed today, November 13, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

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