

RECEIVED

Dec 08 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Dorchester County

Maite Murphy, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ANTHONY NICHOLAS ARGOE,

APPELLANT

APPELLATE CASE NO. 2023-000223

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

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Counsel for Anthony Nicholas Argoe respectfully requests a **fourth and final thirty (30) day extension from December 8, 2023, until January 8, 2024**, 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 Anthony Nicholas Argoe 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.

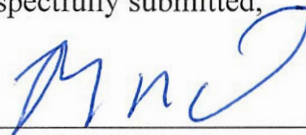
3. Counsel filed the Brief of Appellant in the case of The State v. Channon T. Preston with this Court on November 29, 2023. Counsel presented on Preserving the Trial Record for Appellate Review and Post-Conviction Relief at the Public Defense 101 conference on November 21, 2023, in Columbia. Counsel, along with co-counsel David Alexander and Lara M. Caudy, filed a Petition for Writ of Certiorari in death penalty the case of The State of South Carolina v. Timothy Ray Jones with the United States Supreme Court on Thursday, November 16, 2023. That same day, November 16, 2023, Counsel presented oral argument before this Court in the seven legal issue murder appeal case of The State v. Keirin M. Dennis. 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 Moorner 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.

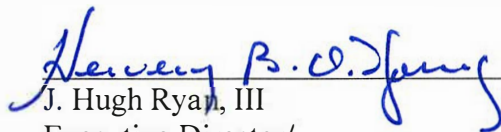
5. On December 4, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from December 8, 2023, until January 8, 2024**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

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 8th day of December, 2023.

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APPELLATE CASE NO. 2023-000223

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CERTIFICATE OF SERVICE

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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 8th day of December, 2023.



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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Pollard, Shelby](#)  
**To:** [SC - BROWN MELODY; Angela Brown](#)  
**Cc:** [Dudek, Robert](#)  
**Subject:** 2023-000223 The State v. Anthony N. Argoe - Fourth Motion for Extension  
**Date:** Friday, December 8, 2023 10:31:00 AM  
**Attachments:** [2023-000223 The State v. Anthony N. Argoe - Fourth Motion for Extension.pdf](#)

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Good Morning,

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. This extension will be filed today, December 8, 2023, with the Court of Appeals via email filing.

Thank you,  
Shelby

**Shelby Pollard**

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South Carolina Commission on Indigent Defense  
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