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Jan 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

TIMOTHY W. WILBANKS,

APPELLANT

APPELLATE CASE NO. 2023-001027

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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 Timothy W. Wilbanks respectfully requests a thirty (30) day extension from January 3, 2024, until February 2, 2024, 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 Return to Petition for Writ of Certiorari in the case of Mitchell Rivers v. The State with the Supreme Court on January 2, 2024. Counsel filed the Initial Brief of

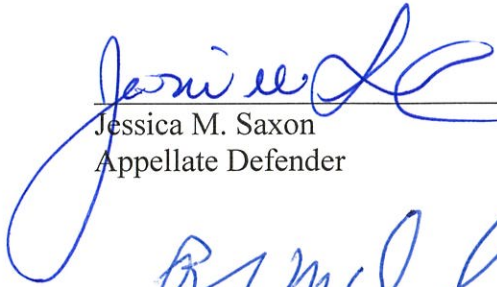
Appellant and Designation of Matter in the case of The State v. Lillian Mae Bates with the Court of Appeals on December 11, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Anthony M. Wise v. The State with the Supreme Court on December 6, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Michael Kelley v. The State with the Supreme Court on November 27, 2023. Counsel had an oral argument in the case of George N. Moses v. The State before the Court of Appeals on November 11, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jodi Stapleton v. The State with the Supreme Court on October 16, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Douglas S. Turner with the Court of Appeals on October 5, 2023. Counsel filed the Brief of Petitioner in the case of Holly Jo Thompson v. The State with the Court of Appeals on September 28, 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 January 2, 2024, 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 January 31, 2024.


WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from January 3, 2024, until February 2, 2024. 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,



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Jessica M. Saxon  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

This 3<sup>rd</sup> day of January, 2024.

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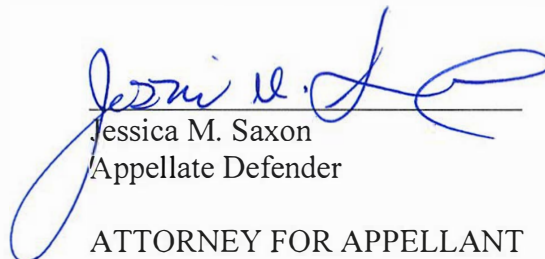
APPELLATE CASE NO. 2023-001027

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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 Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 3<sup>rd</sup> day of January, 2024.

  
\_\_\_\_\_  
Jessica M. Saxon  
Appellate Defender  
ATTORNEY FOR APPELLANT

**From:** [Stock, Chris](#)  
**To:** [Mark Farthing](#); [SC - COLLINS CAROLINE](#)  
**Cc:** [Saxon, Jessica](#)  
**Subject:** Wilbanks, T. - 3rd Extension for Brief and Designation - 2023-001027  
**Date:** Wednesday, January 3, 2024 10:45:00 AM  
**Attachments:** [Wilbanks, T. - 3rd Extension for Brief and Designation - 2023-001027.pdf](#)

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Mr. Farthing,

Please find attached for service the 3<sup>rd</sup> Request for Extension for Initial Brief of Appellant and Designation of Matter for Timothy W. Wilbanks' appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

**Chris Stock**  
Administrative Assistant  
Commission on Indigent Defense  
Appellate Division  
(803) 734-1330