

RECEIVED

Jan 08 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County

Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTHONY NICHOLAS ARGOE,

APPELLANT

APPELLATE CASE NO. 2023-000223

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

Counsel for Anthony Nicholas Argoe respectfully requests a **fifth and final sixteen (16) day extension from January 8, 2024, until January 24, 2024**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. **Counsel will file the brief and designation before that deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fifth 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 will file a merit brief in the murder case of The State v. Tirik Johnson-Epps tomorrow, Tuesday, January 9, 2024 with this Court. Counsel filed the Brief of Appellant in The State v. Martel Gaddis with this Court on December 12, 2023. 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 Seminar on November 21, 2023 in Columbia, SC. Counsel, along with co-counsels David Alexander and Lara M. Caudy, filed the 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. Counsel appeared before this Court for oral argument in the seven legal issue murder appeal case of The State v. Keirin M. Dennis on November 16, 2023. 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. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

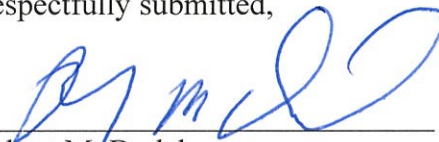
4. Counsel makes this request in good faith and not for purpose of delay. *Counsel regrets the necessity of this Fifth Extension Request but it could not be avoided particularly since counsel missed some work time in December, 2023 due to illness.*

5. 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.

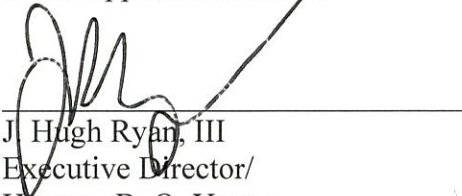
6. On January 2, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final sixteen (16) day extension from January 8, 2024, until January 24, 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. **Counsel will file the brief and designation before this deadline if possible.**

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 January, 2024.

RECEIVED

Jan 08 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

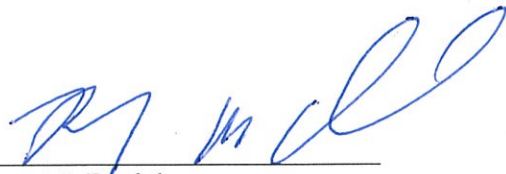
ANTHONY NICHOLAS ARGOE,

APPELLANT

APPELLATE CASE NO. 2023-000223

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 8th day of January, 2024.



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 - Fifth Motion for Extension
Date: Monday, January 8, 2024 9:01:00 AM
Attachments: [2023-000223 The State v. Anthony N. Argoe - 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, January 8, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29201-1589
(803) 734-1330 – Telephone
(803) 734-1397 - Fax