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Jan 05 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Clarendon County

R. Kirk Griffin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHN A. WELCH,

APPELLANT

APPELLATE CASE NO. 2023-001048

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

Counsel for John A. Welch respectfully requests a thirty (30) day extension from January 5, 2024, until February 5, 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 brief of Appellant in The State v. Martel Gaddis with this Court on December 12, 2023. Counsel is working on The State v. Tirik Johnson-Epps murder case

involving meritorious legal issues due Tuesday, January 9, 2024. Counsel filed the Brief of Appellant in the case of The State v. Channon T. Preston with the Court of Appeals 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 appeared before the Supreme Court for Oral Argument at Furman University in the case of The State v. Gregg Pickrell on October 24, 2023. 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 also has extensive administrative duties as the Chief Appellate Defender.**

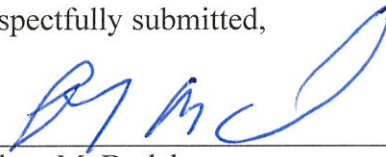
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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 5, 2024, until February 5, 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,



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 5th day of January, 2024.

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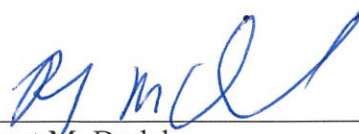
JOHN A. WELCH,

APPELLANT

APPELLATE CASE NO. 2023-001048

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 Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 5th day of January, 2024.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: [Mark Farthing](#); [Caroline Collins](#)
Cc: [Dudek, Robert](#)
Subject: 2023-001048 The State v. John A. Welch - Third Motion for Extension
Date: Friday, January 5, 2024 9:09:00 AM
Attachments: [2023-001048 The State v. John A. Welch - Third Motion for Extension.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Third 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 5, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

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