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Apr 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MASON YARBOROUGH,

APPELLANT

APPELLATE CASE NO. 2023-000694

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

Counsel for Mason Yarborough respectfully requests a **fifth and final ten (10) business day extension from April 17, 2024, until May 1, 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 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 Mason Yarborough 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 is filing the Initial Brief of Appellant and Designation of Matter in the case of The State v. Raymond Martinez with this Court today, April 17, 2024. **The brief in this case pertains to a novel jury instruction issue in this state. In addition, counsel has had unusually high administrative duties involving Public Defender General Sessions error preservation matters this month.** Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Douglas Young v. The State with the Supreme Court on April 3, 2024. On March 12, 2024, Counsel presented oral argument in the case of Victor D. Smith v. The State before this Court. Counsel filed the Brief of Appellant in the case of The State v. John A. Welch with this Court on March 5, 2024. Counsel filed the Motion for Stay of Execution and Appointment of Post-Conviction Relief Judge in the case of The State v. Timothy Ray Jones, Jr. with the South Carolina Supreme Court on March 5, 2024. Counsel was a presenter at the S.C. Bar Criminal Practice CLE on February 23, 2024, in Columbia, South Carolina. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Anthony Argoe with this Court on February 7, 2024. Counsel, along with co-counsels David Alexander and Lara M. Caudy, filed the Reply to the Brief in Opposition in the case of The State of South Carolina v. Timothy Ray Jones with the United States Supreme Court on February 2, 2024. Counsel filed the Initial Brief of Appellant in the case of The State v. Tirik Johnson-Epps with this Court on January 9, 2024. **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.

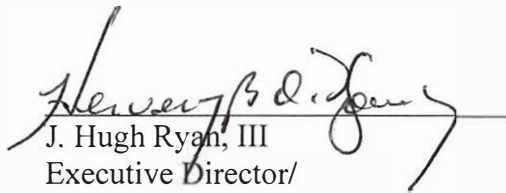
5. On March 29, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through April 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final ten (10) business day extension from April 17, 2024, until May 1, 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 17th day of April, 2024.

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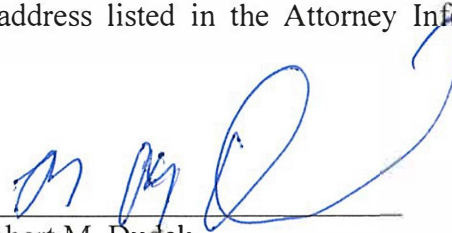
MASON YARBOROUGH,

APPELLANT

APPELLATE CASE NO. 2023-000694

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 17th day of April, 2024.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: [SC - BROWN MELODY; Angela Brown](#)
Cc: [Dudek, Robert](#)
Subject: 2023-000694 The State v. Mason Yarborough - Fifth Motion for Extension
Date: Wednesday, April 17, 2024 10:04:00 AM
Attachments: [2023-000694 The State v. Mason Yarborough - 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, April 17, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

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