

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
May 17 2024
SC Court of Appeals

Appeal from Spartanburg County
J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARCUS D. BATSON,

APPELLANT

APPELLATE CASE NO. 2023-001593

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

Counsel for Marcus D. Batson respectfully requests a **fifth and final seven (7) day extension from May 17, 2024 until May 24, 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 Marcus D. Batson knows requests for fifth extensions are disfavored. However, this is a murder case and counsel needs the additional time to do the case justice.

3. Counsel 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 her caseload, counsel hopes that no further extension requests will be required.

4. Counsel is filing the Initial Brief of Appellant and Designation of Matter in the case of The State v. Antonio Long with this Court today, May 17, 2024. Counsel filed the Return to Petition for Writ of Certiorari in the case of Storm R. B. McCarthy v. The State with the Supreme Court on May 14, 2024. Counsel filed the Memorandum Addressing S.C. Code § 23-3-436 in the case of In the Interest of Khalid J., A Juvenile Under the Age of Seventeen with this Court on May 9, 2024. Counsel appeared for Oral Argument in the case of Michael Christian Barclay v. The State before this Court on May 8, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Genari McNeil with this Court on May 2, 2024. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Manly Maurice Thompson with this Court on April 24, 2024. Counsel filed the Johnson Petition for Writ of Certiorari and the Appendix in the case of Newitt R. Walker v. The State with the Supreme Court on April 22, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of State v. Braylon L. Morris with this Court on April 22, 2024. Counsel appeared for Oral Argument in the case of In the Matter of Thomas Griffin before the Supreme Court on April 16, 2024.

5. 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.

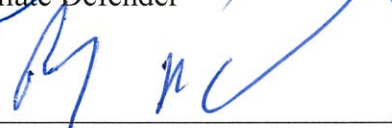
6. On May 1, 2024, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through May 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final seven (7) day extension from May 17, 2024 until May 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.

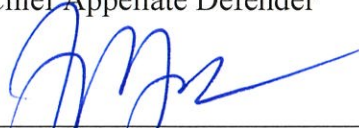
Respectfully submitted,



Joanna K. Delany
Appellate Defender



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 May, 2024.

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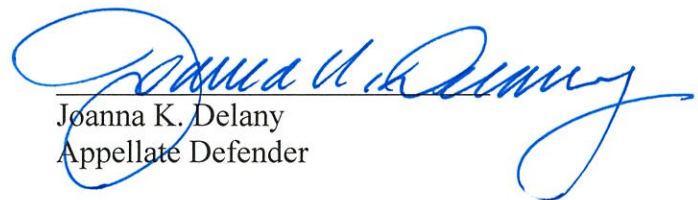
MARCUS D. BATSON,

APPELLANT

APPELLATE CASE NO. 2023-001593

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 May, 2024.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT