

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

May 17 2024

Appeal from Lexington County

SC Court of Appeals

Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROBERT B. NEELEY,

APPELLANT.

APPELLATE CASE NO. 2023-001259

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

Counsel for appellant respectfully requests a thirty (30) day extension, 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 petition for writ of certiorari and accompanying appendix in the case of John D. Cook v. State with the Supreme Court on May 13, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Ricky L. Singer on May 8,

2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Williston Owens on May 3, 2024. Counsel had an oral argument in the case of State v. Devin Jamel Johnson before the Supreme Court on May 2, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Toatley with the Court of Appeals on April 25, 2024. Counsel filed the initial brief of respondent and designation of matter in the case of State v. Jonathan C. Dawkins with the Court of Appeals on April 3, 2024. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Heather Lawson v. State with the Supreme Court on March 28, 2024. Counsel filed a petition for rehearing in the case of State v. Sean Devon James with the Court of Appeals on March 21, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antonio L. Williams with the Court of Appeals on March 6, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Bradley Walker with the Court of Appeals on March 4, 2024.

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 April 30, 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 May 31, 2024.


WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial

Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Breen R. Stevens
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 17th day of May, 2024.

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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 R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 17th day of May, 2024.



Breen R. Stevens
Appellate Defender

ATTORNEY FOR APPELLANT