

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jun 14 2024

SC Court of Appeals

Appeal from Horry County

J. Mark Hayes, Circuit Court Judge

THE STATE,

APPELLANT,

V.

ANIJAH YARNELL,

RESPONDENT

APPELLATE CASE NO. 2023-000571

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

Counsel for Anijah Yarnell respectfully requests a **fourth and final thirty (30) day extension from June 14, 2024, until July 15, 2024**, in which to serve and file the Initial Brief of Respondent 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 Respondent and Designation of Matter in this case are due to be served and filed with the Court today.

2. Counsel for Anijah Yarnell 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.

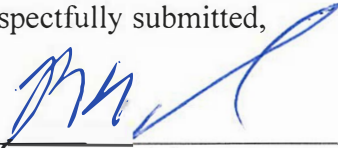
3. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in the case of Shana Robinson v. The State with the Supreme Court on June 10, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Cory Allen v. The State with the Supreme Court on June 6, 2024. Counsel filed the Brief of Appellant in the case of The State v. Cornelius J. Staggers with this Court on May 24, 2024. Counsel filed the Brief of Appellant in the case of The State v. Freddy Ray Harris with this Court on May 9, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Mason Yarborough with this Court on May 1, 2024. Counsel filed the Petition for Rehearing in the case of The State v. Shana Robinson with this Court on April 25, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Raymond Martinez with this Court on April 17, 2024. 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. **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.

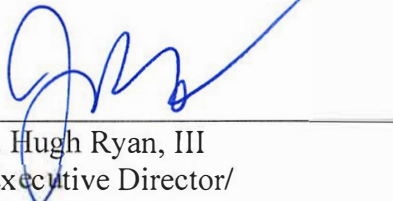
5. On May 30, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from June 14, 2024, until July 15, 2024**, in which to serve and file the Initial Brief of Respondent 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/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 14th day of June, 2024.

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Honorable J. Mark Hayes, Circuit Court Judge

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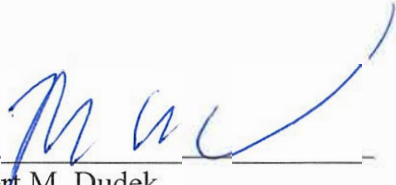
ANIJAH YARNELL,

RESPONDENT

APPELLATE CASE NO. 2023-000571

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 Julianna E. Battenfield, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 14th day of June, 2024.


Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT