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Jun 17 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

XAVIER M. POLITE,

APPELLANT

APPELLATE CASE NO. 2023-001026

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

Counsel for Xavier M. Polite respectfully requests a **fourth and final thirty (30) day extension from June 17, 2024, until July 17, 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 Xavier M. Polite 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.

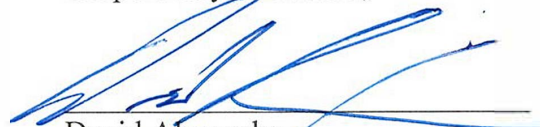
3. Counsel filed the Brief of Appellant in the case of The State v. Tommy Long with this Court on June 3, 2024. Counsel presented oral argument in the case of The State v. Ricky Bernard Brown before this Court on June 3, 2024. Counsel filed the Brief of Appellant in the case of The State v. Carlos A. Cesmas-Gomez with this Court on May 29, 2024. Counsel presented oral argument in the case of In the Matter of Ronald Gregg in the Supreme Court on May 22, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Adam D. Lawless in this Court on April 26, 2024. Counsel filed the Return to Petition for Writ of Certiorari in the case of Tyreek Hayes v. The State with the Supreme Court on April 17, 2024. Counsel filed the Brief of Appellant in the case of In the Matter of Christopher T. Wilder with this Court on April 3, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Daryl L. Sutton v. The State with the Supreme Court on April 1, 2024. Counsel filed the Brief of Appellant in the case of The State v. Thomas S. McFadden with this Court on March 14, 2024. Counsel filed the Brief of Petitioner in the case of The State v. Rashawn Vertez Carter with the Supreme Court on February 20, 2024.

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 17, 2024, until July 17, 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,



David Alexander
Appellate Defender



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 17th day of June, 2024.

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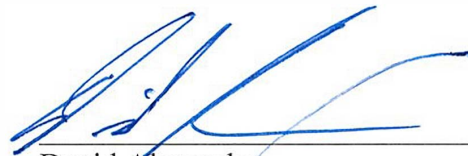
XAVIER M. POLITE,

APPELLANT

APPELLATE CASE NO. 2023-001026

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 June, 2024.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: [SC - BROWN MELODY; Angela Brown](#)
Cc: [Alexander, David](#)
Subject: 2023-001026 The State v. Xavier M. Polite - Fourth Motion for Extension
Date: Monday, June 17, 2024 10:35:00 AM
Attachments: [2023-001026 The State v. Xavier M. Polite - Fourth Motion for Extension.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Fourth Motion for Extension in which to serve and file the initial brief of appellant and designation of matter. This extension will be filed today, June 17, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29201-1589
(803) 734-1330 – Telephone
(803) 734-1397 - Fax