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Jun 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

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 **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 appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

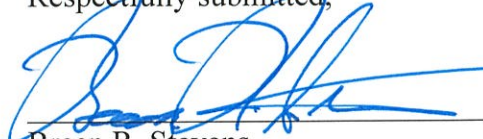
previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Antonio Jordan v. State with the Supreme Court on June 10, 2024. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Detavious Lamon Cunningham with the Court of Appeals on June 3, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antonio Bethel with the Court of Appeals on May 22, 2024. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of Sean James v. State with the Supreme Court and the Court of Appeals on May 20, 2024. 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 with the Court of Appeals on May 8, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Williston Owens with the Court of Appeals 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.

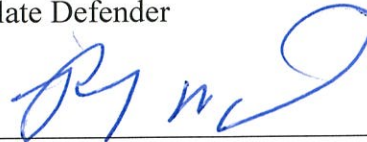
4. On May 30, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2024.

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.

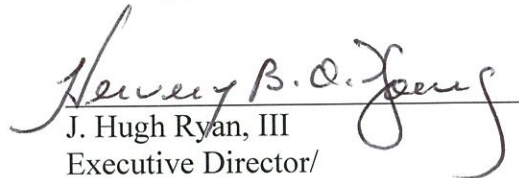
Respectfully submitted,



Breen R. Stevens
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 June, 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 June, 2024.



Breen R. Stevens
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Leverett, Scott](#)
To: [SC - FARTHING MARK](#)
Cc: [SC - COLLINS CAROLINE](#); [Stevens, Breen](#)
Subject: Robert B. Neeley - Extension 4 - Appellate Case No. 2023-001259
Date: Monday, June 17, 2024 2:42:00 PM
Attachments: [Robert B. Neeley - Extension 4 - Appellate Case No. 2023-001259.pdf](#)

Dear Mr. Farthing,

Attached please find a copy of the fourth extension in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Breen Stevens
Appellate Defense