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Jul 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Fairfield County

Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CORTEZ JAVAR WHITENER,

APPELLANT

APPELLATE CASE NO. 2024-000164

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

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:


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 return in opposition to motion to strike in the case of Maurio D. Rivers v. The State with the Court of Appeals on June 27, 2024. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Maurice Mitchell v. The State with the Supreme Court on June 12, 2024. Counsel filed the initial brief of appellant and designation of

matter in the case of The State v. Don Leequin Brown with the Court of Appeals on June 12, 2024. Counsel had an oral argument in the case of The State v. Alexander Rhue, Jr. before the Supreme Court on June 6, 2024. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Christopher Quick with the Court of Appeals on June 4, 2024. Counsel had an oral argument in the case of The State v. Olandio Workman before the Supreme Court on May 22, 2024. Counsel had an oral argument in the case of The State v. Jason Edwin Stoots before the Supreme Court on May 21, 2024. Counsel filed the brief of petitioner in the case of The State v. Terrell Denard Knightner with the Supreme Court on May 17, 2024. Counsel had an oral argument in the case of Francisco R. Rodriguez v. The State before the Court of Appeals on May 8, 2024.


3. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 31, 2024. That emailed general consent was dated June 26, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 3rd day of July, 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 of time to file initial brief of appellant and designation of matter 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 3rd day of July, 2024.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: mfarthing@scag.gov; [SC - COLLINS CAROLINE](#)
Cc: [Hudgins, Kathrine](#)
Subject: Whitener, C- 3rd Request for Extension for Initial Brief of Appellant - 2024-000164
Date: Wednesday, July 3, 2024 10:31:04 AM
Attachments: [Whitener, C- 3rd Request for Extension for Initial Brief of Appellant - 2024-000164.pdf](#)

Mr. Farthing,

Please find attached for service the 3rd Request for Extension for Initial Brief of Appellant and Designation of Matter for Cortez Whitener's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330