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Jul 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY J. MCKINNEY,

APPELLANT

APPELLATE CASE NO. 2023-001693

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

Counsel for Timothy J. McKinney respectfully requests a **fifth and final fifteen (15) business day extension from July 12, 2024, until August 2, 2024**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. **Counsel will file the brief and designation before this requested deadline if possible.** 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 Timothy J. McKinney 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 is filing the Initial Brief of Appellant and Designation of Matter in the murder case of The State v. Antonio Anderson in which a self-defense instruction was the issue with this Court today, July 12, 2024. Counsel was a faculty trainer specializing in preserving trial issues for appeal at the PD 103 CLE seminar at the Greenville County Courthouse this week from July 1-3, 2024. Counsel filed the three issue Petition for Writ of Certiorari and Appendix in the case of Christopher Moore v. The State with the Supreme Court on Friday, June 28, 2024. Counsel presented on the Case Law Update at the Indigent Defense CLE on June 21, 2024, in Columbia. 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. Stagers 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 also has extensive administrative duties as the Chief Appellate Defender. These duties include the task of hiring two more Appellate Defenders after Appellate Defender Breen Stevens accepted another position.**

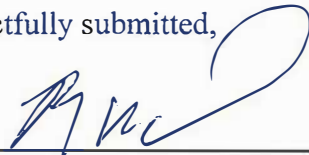
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested. **Counsel regrets the necessity of this fifth extension request, and he will file the**

brief and designation in this case before this requested deadline if possible.

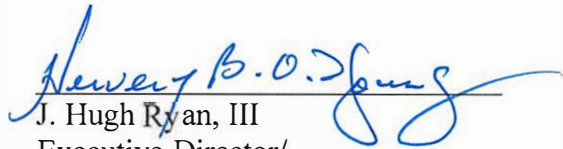
5. On June 26, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final fifteen (15) day extension from July 12, 2024, until August 2, 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,



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervy B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 12th day of July, 2024.

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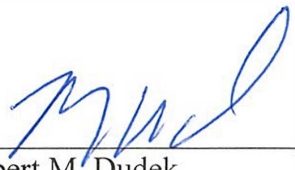
TIMOTHY J. MCKINNEY,

APPELLANT

APPELLATE CASE NO. 2023-001693

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 12th day of July, 2024.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: [SC - BROWN MELODY; Angela Brown](#)
Cc: [Dudek, Robert](#)
Subject: 2023-001693 The State v. Timothy McKinney - Fifth Motion for Extension
Date: Friday, July 12, 2024 11:36:00 AM
Attachments: [2023-001693 The State v. Timothy McKinney - Fifth Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fifth Motion for Extension in which to serve and file the initial brief of appellant and designation of matter. This extension will be filed today, July 12, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

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Appellate Division
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