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Aug 02 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Cherokee County

R. Keith Kelly, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DIONICIO NAVA ABARCA,

APPELLANT

APPELLATE CASE NO. 2024-000180

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

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Counsel for Dionicio Nava Abarca respectfully requests a thirty (30) day extension from August 2, 2024 until September 3, 2024, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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 today.

2. Counsel will be filing the Brief of Appellant and the Record on Appeal in the case of The State v. Timothy J. McKinney with the Court of Appeals today, August 2, 2024. Counsel

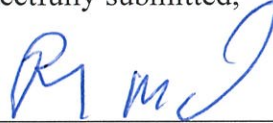
appeared via WebEx before the Honorable Roger M. Young, Sr., for a post-conviction relief evidentiary hearing in the case of Jonathan C. Newman v. The State on July 25, 2024. Counsel filed the Brief of Appellant and the Record on Appeal in the case of The State v. Randy E. Self with this Court on July 24, 2024. Counsel filed the Initial Brief of Respondent in the case of The State v. Anijah Yarnell with this Court on July 22, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Antonio Anderson with this Court on July 12, 2024. Counsel was a faculty trainer specializing in preserving trial errors for appellate review at the PD 103 CLE seminar at the Greenville County Courthouse from July 1-3, 2024. Counsel filed the three issue Petition for Writ of Certiorari and the Appendix in the case of Christopher Moore v. The State with the Supreme Court on June 28, 2024. Counsel presented on the Case Law Update at the Indigent Defense CLE in Columbia on June 21, 2024. 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 also has extensive administrative duties as the Chief Appellate Defender.**

3. This request is made in good faith, and not for purposes 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.

4. On July 29, 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 August 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from August 2, 2024 until September 3, 2024. 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,



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Robert M. Dudek  
Chief Appellate Defender

This 2nd day of August, 2024.

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THE STATE,

RESPONDENT,

V.


DIONICIO NAVA ABARCA,

APPELLANT

APPELLATE CASE NO. 2024-000180  
\_\_\_\_\_

CERTIFICATE OF SERVICE  
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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 2<sup>nd</sup> day of August, 2024.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [SC - BROWN MELODY](#)  
**Cc:** [Dudek, Robert](#); [Angela Brown](#)  
**Subject:** 2024-000180 The State v. Dionicio Nava Abarca  
**Date:** Friday, August 2, 2024 10:46:00 AM  
**Attachments:** [2024-000180 The State v. Dionicio Nava Abarca Third Motion for Extension.pdf](#)

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Good Morning,

Attached for service in the above-referenced case is the Third Motion for Extension which will be filed today, August 2, 2024, with the Court of Appeals via email filing.

Respectfully,  
Kaylynn

**Kaylynn Warren**

Administrative Assistant  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
(803) 734-1330