

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Lexington County

Daniel D. Hall, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Aug 16 2024**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

JAMES J. PATTERSON, III

APPELLANT

APPELLATE CASE NO. 2023-001474  
\_\_\_\_\_

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

Counsel for James J. Patterson respectfully requests a **fourth and final thirty (30) day extension from August 16, 2024 until September 16, 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 James J. Patterson 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 and Record on Appeal in the case of The State v. Aaron Sincere Hood with this Court on August 12, 2024. Counsel filed the Brief of Appellant and the Record on Appeal in the murder case of The State v. Timothy J. McKinney with this Court on August 2, 2024. Counsel appeared via WebEx 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.**

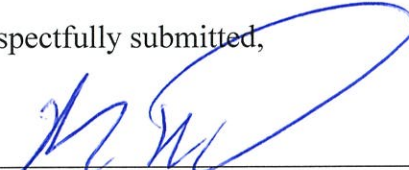
4. Counsel makes this request in good faith and not for purpose of delay. Counsel

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 July 29, 2024, opposing counsel, the Office of the Attorney General, 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 **fourth and final thirty (30) day extension from August 16, 2024 until September 16, 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,



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Robert M. Dudek  
Chief Appellate Defender

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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 16th day of August, 2024.

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\_\_\_\_\_

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 16th day of August, 2024.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT