

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Florence County

Honorable William A. McKinnon, Circuit Court Judge

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ZACHARY D. MCCLAIN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000784

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MOTION FOR AN EXTENSION OF TIME  
TO FILE THE PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX

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Counsel for Zachary Deon McClain respectfully requests an extension of thirty (30) days from August 19, 2024 until September 18, 2024 in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.
2. Counsel for Zachary Deon McClain respectfully submits that extraordinary

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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 the Court of Appeals 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 the Court of Appeals 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 the Court of Appeals on July 24, 2024. Counsel filed the Initial Brief of Respondent in the case of The State v. Anijah Yarnell with the Court of Appeals 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 the Court of Appeals 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 this 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 this Court on June 10, 2024.

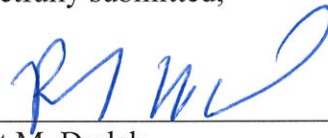
**Counsel also has extensive administrative duties as the Chief Appellate Defender.**

4. Counsel makes this request in good faith and not for purpose of delay.
5. 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 (30) day extension from August 19, 2024 until September 18, 2024, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

This 19th day of August, 2024.