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Sep 18 2024

S.C. SUPREME COURT

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 TO SERVE AND FILE  
THE PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX

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Counsel for Zachary Deon McClain respectfully requests a **final thirty (30) day extension, from September 18, 2024 until October 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 third 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

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.

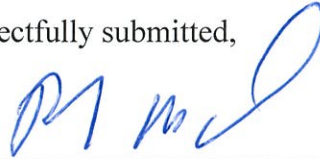
3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. James J. Patterson with the Court of Appeals on September 16, 2024. Counsel appeared for Oral Argument in the cases of The State v. Bowen Gray Turner (In re: Victim C.B., Appellant.) (2022-000472) and The State v. Bowen Gray Turner (2022-001018) before the Court of Appeals on September 10, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Eddie L. Bass, III v. The State with this Court on September 6, 2024. Counsel filed the Return to Motion to Supplement the Record on Appeal in the case of The State v. Anthony Nicholas Argoe with the Court of Appeals on August 30, 2024. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Terry Donial Woods, Jr. with the Court of Appeals on August 28, 2024. 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 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 August 30, 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 September 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from September 18, 2024 until October 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 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 18th day of September, 2024.