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Sep 23 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Daniel D. Hall, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

XAVIER LAMAR HOLBROOKS,

APPELLANT

APPELLATE CASE NO. 2024-000473

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

Counsel for Xavier Lamar Holbrooks respectfully requests a **fourth and final thirty (30) day extension from September 23, 2024 until October 23, 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 Xavier Lamar Holbrooks 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, III with this Court on September 16, 2024. Counsel appeared for Oral Argument in the case 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 this Court 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 the Supreme 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 this Court 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 this Court 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 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 also has extensive administrative duties**

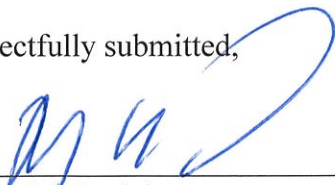
as the Chief Appellate Defender.

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.

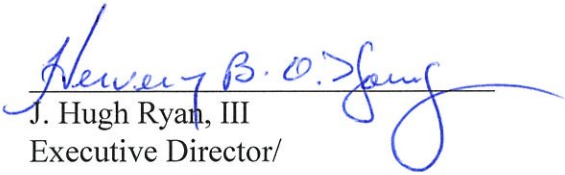
5. On August 30, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from September 23, 2024 until October 23, 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/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 23rd day of September, 2024.

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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 Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 23rd day of September, 2024.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Dudek, Robert](#); [Caroline Collins](#)
Subject: 2024-000473 The State v. Xavier Lamar Holbrooks
Date: Monday, September 23, 2024 10:05:00 AM
Attachments: [2024-000473 The State v. Xavier Lamar Holbrooks Fourth Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fourth Motion for Extension which will be filed today, September 23, 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