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Oct 10 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY LAMAR HERNDON,

APPELLANT

APPELLATE CASE NO. 2023-001834

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

Counsel for Timothy Lamar Herndon respectfully requests a thirty (30) day extension until November 12, 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. Today, October 10, 2024, counsel filed the brief of appellant and designation of matter in The State v. Sammie Gerrick with the Court of Appeals. On October 4, 2024, counsel

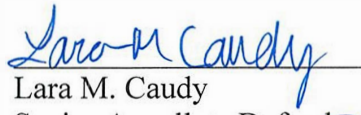
filed the initial brief of appellant and designation of matter in The State v. Steve Jones with the Court of Appeals. On September 30, 2024, counsel filed the petition for writ of certiorari and accompanying appendix in Omar Gentile v. The State with the Supreme Court. On September 23, 2024, counsel filed the petition for writ of certiorari to the Court of Appeals in Michael Orlando Brown v. The State with the Supreme Court. On September 16, 2024, counsel filed the petition for writ of certiorari and accompanying appendix in Roger Grate v. The State with the Supreme Court. On September 11, 2024, counsel filed the petition for writ of certiorari and accompanying appendix in Lontre Wise v. The State with the Supreme Court. On September 9, 2024, counsel filed the initial brief of appellant and designation of matter in The State v. Antonio Barnes with the Court of Appeals. On September 5, 2024, counsel filed the petition for rehearing in The State v. Nathaniel Rowland with the Court of Appeals.

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.

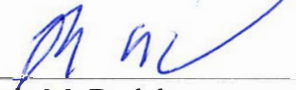
4. On September 29, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension until November 12, 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,



Lara M. Caudy
Senior Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 10th day of October, 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 R. Farthing, Esquire, at his primary e-mail address listed in the Attorney Information System (AIS), this 10th day of October, 2024.



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT