

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

B. Alex Hyman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

STEPHEN D. O'HARA,

APPELLANT

APPELLATE CASE NO. 2024-000097

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

Counsel for Stephen D. O'Hara respectfully requests a **fifth and final thirty (30) day extension from October 11, 2024 until November 12, 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 fifth 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 Stephen D. O'Hara 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 is preparing for his Case Law Update presentation for the upcoming South Carolina Public Defender Conference which takes place October 14-26, 2024 in Myrtle Beach, South Carolina. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Zachary Deon McClain with the Court of Appeals on October 4, 2024. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Christopher Chad Duncan with the Court of Appeals on October 1, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. James J. Patterson, III with the Court of Appeals 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 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. **Appellate Defense is currently two attorneys short. Counsel has extensive administrative duties as the Chief Appellate Defender, including carrying a full caseload. Counsel endeavors to hire two new appellate defenders as well as a new assistant to the present**

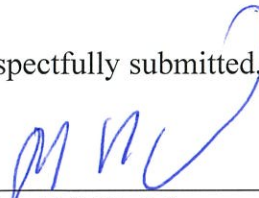
appellate defenders. Counsel regrets the need for this fifth extension, but it is respectfully necessary given counsel's present workload and administrative responsibilities.

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.

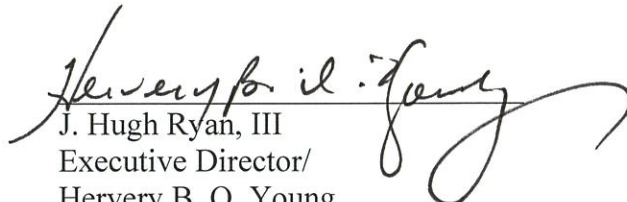
5. On September 29, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final thirty (30) day extension from October 11, 2024 until November 12, 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 11th day of October, 2024.

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Oct 11 2024

SC Court of Appeals

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Honorable B. Alex Hyman, Circuit Court Judge

THE STATE,

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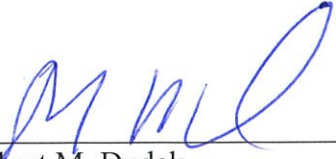
STEPHEN D. O'HARA,

APPELLANT

APPELLATE CASE NO. 2024-000097

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 11th day of October, 2024.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Dudek, Robert](#); [Caroline Collins](#)
Subject: 2024-000097 The State v. Stephen D. O'Hara
Date: Friday, October 11, 2024 11:12:00 AM
Attachments: [2024-000097 The State v. Stephen D. O'Hara Fifth Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fifth Motion for Extension which will be filed today, October 11, 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