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Nov 06 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Marion County

Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CYNETHIA KATHLEEN MORTON,

APPELLANT

APPELLATE CASE NO. 2024-000377

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

Counsel for Cynethia Kathleen Morton respectfully requests a thirty (30) day extension from November 6, 2024 until December 6, 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. Counsel filed the Initial Brief of Appellant and Designation of Matter in the

murder case of The State v. Dionicio Nava Abarca with the Court of Appeals on October 24, 2024. Counsel is nearly finished with his Initial Brief of Appellant and Designation of Matter in the case of The State v. Stephen O'Hara and intends to file it with the Court of Appeals on Monday or Tuesday, November 5, 2024. Counsel testified before the Honorable Jean Toal for a PCR evidentiary hearing in the case of Chamar Scott v. The State in Richland County on October 31, 2024. Counsel is preparing for the upcoming Oral Argument in the case of The State v. Donovan Tyrel Brannon before the Court of Appeals on November 14, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Gary Moore v. The State with this Court on October 18, 2024. Counsel presented the Case Law Update session of the South Carolina Public Defender Conference which he attended from October 14-16, 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. On September 16, 2024, counsel and co-counsel Lara Caudy also filed a Motion to Strike the Petition for Rehearing and Rehearing *en banc* in State v. Kierin Dennis with the Court of Appeals. 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. 2024. **Counsel also has extensive**

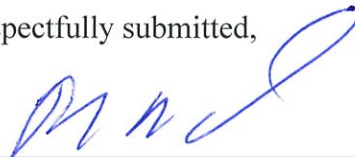
administrative duties as the Chief Appellate Defender, including carrying a full caseload.

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 October 31, 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 November 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from November 6, 2024 until December 6, 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,



Robert M. Dudek
Chief Appellate Defender

This 6th day of November, 2024.

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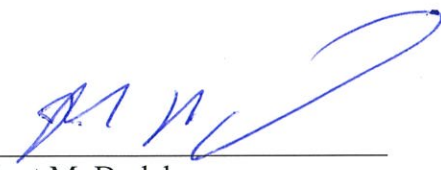
CYNETHIA KATHLEEN MORTON,

APPELLANT

APPELLATE CASE NO. 2024-000377

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 6th day of November, 2024.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Dudek, Robert](#); [Caroline Collins](#)
Subject: 2024-000377 The State v. Cynethia Kathleen Morton
Date: Wednesday, November 6, 2024 10:31:00 AM
Attachments: [2024-000377 The State v. Cynethia Kathleen Morton Third Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Third Motion for Extension which will be filed today, November 6, 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