

RECEIVED

Nov 12 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 **fourth and final thirty (30) day extension** until December 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 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 Timothy Lamar Herndon 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 her caseload, counsel hopes that no further extension requests will be required.

3. Today, November 12, 2024, counsel had an oral argument in Carrol Washington v. The State before the Court of Appeals. Today, November 12, 2024, counsel filed the petition for writ of certiorari, brief of appellant pursuant to White v. State, and accompanying appendix in Angelo Ham v. The State with the Supreme Court. On November 4, 2024, counsel filed the petition for writ of certiorari to the Court of Appeals in The State v. Nathaniel Rowland with the Supreme Court. On November 1, 2024, counsel filed the brief of respondent in The State v. Mark Hailey with the Supreme Court. On October 28, 2024, counsel filed the initial brief of appellant and designation of matter in The State v. Savayea Glenn with the Court of Appeals. From October 14, 2024, through October 16, 2024, counsel attended the Annual Public Defender Conference in Myrtle Beach, South Carolina.

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.

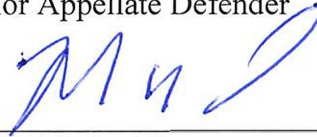
5. On October 31, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through November 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until December 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,

  
\_\_\_\_\_

Lara M. Caudy  
Senior Appellate Defender

  
\_\_\_\_\_

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 12th day of November, 2024.

RECEIVED

Nov 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Beaufort County

Honorable Carmen T. Mullen, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

TIMOTHY LAMAR HERNDON,

APPELLANT

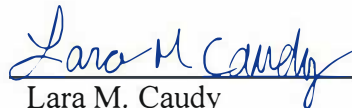
APPELLATE CASE NO. 2023-001834

---

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 12th day of November, 2024.

  
\_\_\_\_\_  
Lara M. Caudy  
Senior Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Mcinnis, Sara](#)  
**To:** [Mark Farthing](#)  
**Cc:** [ccollins@scag.gov](mailto:ccollins@scag.gov); [Caudy, Lara](#)  
**Subject:** 2024-001834 The State v. Timothy L. Herndon Extension 4  
**Date:** Tuesday, November 12, 2024 4:27:00 PM  
**Attachments:** [2023-001834 The State v. Timothy L. Herndon Extension 4.pdf](#)

---

Good Afternoon Mr. Farthing,

Please find attached for service in the above-referenced case the fourth motion for an extension of time to serve and file the initial brief of appellant and designation of matter. This motion will be filed with the Court of Appeals today, November 12, 2024, via email filing.

Thank you!

**Sara McInnis**

Administrative Assistant  
South Carolina Commission on Indigent Defense  
Appellate Division  
(803) 734-1330