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Nov 15 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

YUNIQUE DEMESA WEATHERS,

APPELLANT

APPELLATE CASE NO. 2023-002002

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

Counsel for Yunique Demesa Weathers respectfully requests a **fourth and final thirty (30) day extension from November 15, 2024 until December 16, 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 Yunique Demesa Weathers 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 appeared for Oral Argument in the case of The State v. Donovan Tirell Brannon before the Court of Appeals yesterday, November 14, 2024. Counsel filed the Petition for Writ of Certiorari in the case of Daniel Lee Fludd v. The State with the Supreme Court on November 8, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Stephen O'Hara with this Court on November 8, 2024. Counsel is working on the case of State v. Xavier Holbrooks wherein the Brief and Designation of Matter is due to be served and filed next Friday, November 22, 2024. Counsel is also working on his power point for the What Trial Lawyers should know about Appeals CLE next Friday, November 22, 2024. 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 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 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 also has extensive administrative duties as the Chief Appellate Defender, including attempting to hire two new Appellate Defenders, and an administrative assistant, while carrying a full caseload.**

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.

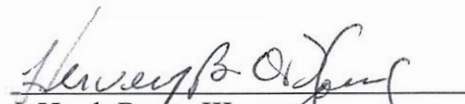
5. On October 31, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through November 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from November 15, 2024 until December 16, 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 15th day of November, 2024.

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APPELLANT

APPELLATE CASE NO. 2023-002002

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 15th day of November, 2024.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: mbrown@scag.gov
Cc: abennett@scag.gov; [Dudek, Robert](#); [Warren, Kaylynn](#)
Subject: 2023-002002 The State v. Yunique D. Weathers Fourth Motion for Extension
Date: Friday, November 15, 2024 11:08:00 AM
Attachments: [2023-002002 The State v. Yunique D. Weathers Fourth Motion for Extension.pdf](#)

Good Morning Ms. Brown,

Attached for service in the above-referenced case is the fourth motion for extension, which will be filed with the Court of Appeals today, November 15, 2024.

Respectfully,

Sara McInnis

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