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Dec 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 **fourth and final thirty (30) day extension from December 6, 2024 until January 6, 2025**, 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 Cynethia Kathleen Morton 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 filed the Brief of Appellant and Record on Appeal in the case of The State v. Yunique Demesa Weathers with this Court on December 4, 2024. Counsel was a presenter for two sections of the Public Defense 101 Trial Skills Workshop hosted by the South Carolina Indigent Defense Academy on November 25, 2024 in Columbia, South Carolina. Counsel was a presenter at the What Trial Lawyers should know about Appeals CLE on November 22, 2024 in Columbia, South Carolina. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Jalann Williams v. The State with the Supreme Court on November 22, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Xavier Holbrooks with this Court on November 20, 2024. Counsel appeared for Oral Argument in the case of The State v. Donovan Tirell Brannon before this Court on 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 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

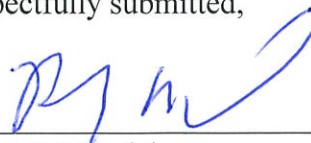
of the South Carolina Public Defender Conference which he attended from October 14-16, 2024 in Myrtle Beach, South Carolina. **Counsel also has extensive administrative duties as the Chief Appellate Defender, including attempting to hire two new Appellate Defenders, and an administrative assistant, while 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 November 27, 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 December 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from December 6, 2024 until January 5, 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/

Hervy B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 6th day of December, 2024.

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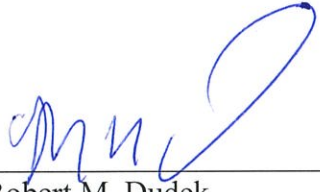
CYNETHIA KATHLEEN MORTON,

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 December, 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: Friday, December 6, 2024 10:05:00 AM
Attachments: [2024-000377 The State v. Cynethia Kathleen Morton Fourth Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fourth Motion for Extension which will be filed today, December 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