

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Walton J. McLeod, IV Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAVON BERNARD JULIUS

APPELLANT

APPELLATE CASE NO. 2023-001994

**MOTION TO FILE BRIEF AND DESIGNATION AND
EXTENSION OUT OF TIME**

Counsel Robert M. Dudek respectfully requests leave under Rule 263(b), SCACR, in which to file the first extension in this case out of time. In support of this request, counsel shows:

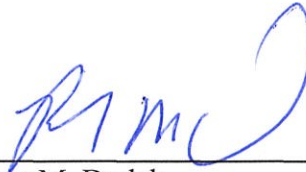
1. The initial brief of appellant and designation of matter or an extension request for filing that brief and designation was due to be served and filed with this Court on Friday, December 13, 2024.
2. However, due to administrative error, the extension was not timely filed. Upon being made aware of the error, counsel immediately prepared the extension to file it with this Court along with this motion.
3. Counsel makes this request in good faith and not for purposes of delay.
4. Counsel respectfully submits that extraordinary circumstances exist which warrant the

granting of this extension request out of time. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Anthony Nicholas Argoe with this Court today, December 30, 2024. *Counsel was hospitalized and out of the office from December 13-16, 2024, and for the rest of week of December 16-20, 2024, with the exception of coming into to office to conduct two interviews.* Counsel filed the Brief of Appellant and the Record on Appeal in the case of The State v. Cynethia Kathleen Morton with this Court on December 13, 2024. 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 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.**

5. Opposing counsel, the Attorney General's Office, has graciously consented to this request by way of the thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka

for motions for extensions or out of time filing up to one month for briefs, returns, petitions, appendices, and records on appeal in matters with Appellate Defense through December 31, 2024. That emailed general consent was dated November 27, 2024.

WHEREFORE, counsel for Appellant respectfully requests the Court accept this first thirty-day extension as filed out of time, and grant counsel a thirty-day extension in which to file the brief and designation of matter on appeal.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

December 30, 2024.

RECEIVED

Dec 30 2024

SC Court of Appeals

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THE STATE,

RESPONDENT,

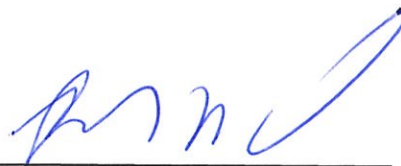
V.

LAVON BERNARD JULIUS,

APPELLANT

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 to File Extension Out of Time has been served upon Melody J. Brown, this 30th day of December, 2024, at the primary e-mail address as listed in the Attorney Information System (AIS).



ROBERT M. DUDEK
CHIEF APPELLATE DEFENDER

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Dudek, Robert](#); [Angela Brown](#)
Subject: 2023-001994 The State v. Lavon Bernard Julius
Date: Monday, December 30, 2024 1:56:00 PM
Attachments: [2023-001994 The State v. Lavon Bernard Julius Motion to File Brief and Designation and Extension Out of Time.pdf](#)

Good Afternoon,

Attached for service in the above-referenced case is the Motion to File the Brief and Designation of Matter and Extension Out of Time which will be filed today, December 30, 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