

RECEIVED

May 30 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Cherokee County

R. Keith Kelly, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DAVID BAYNARD,

APPELLANT.

APPELLATE CASE NO. 2024-002185

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

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Counsel for appellant respectfully requests a thirty (30) day extension, 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 Brief of Petitioner in the case of Marc Anthony Palmer v. The State with the Court of Appeals on May 15, 2025. Counsel appeared for Oral Argument in the case of The State v. Driscoll Riggins before the Court of Appeals on May 13, 2025. Counsel

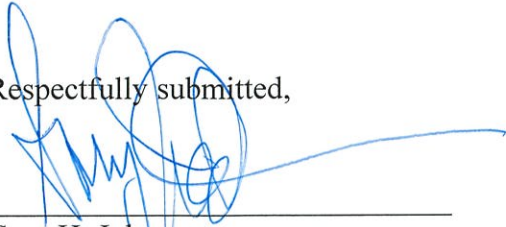
filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. James Heyward with the Court of Appeals on May 9, 2025. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Cyntonio T. Howard v. The State with the Supreme Court on May 7, 2025. Counsel appeared for Oral Argument in the case of The State v. Justin Hopkins before the Court of Appeals on May 6, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Emeric Hamilton with the Court of Appeals on April 30, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Nasirea Grate with the Court of Appeals on April 16, 2025. Counsel appeared for Oral Argument in the case of The State v. Quayshawn Clark before the Court of Appeals on April 10, 2025. Counsel filed the Brief of Petitioner in the case of Andre T. Heatley, Jr. v. The State with the Supreme Court on March 14, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Denardis Kilgo with the Court of Appeals on March 5, 2025.

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 his caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On April 30, 2025, 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 May 31, 2025.

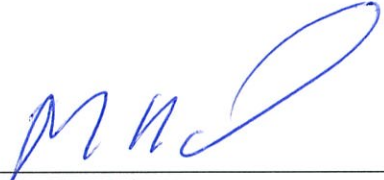
WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Gary H. Johnson  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

This 30th day of May, 2025.

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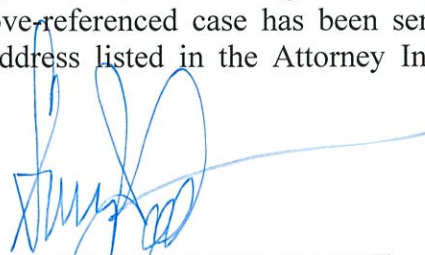
DAVID BAYNARD,

APPELLANT.

APPELLATE CASE NO. 2024-002185  
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CERTIFICATE OF SERVICE  
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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 30th day of May, 2025.

  
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Gary H. Johnson  
Appellate Defender

ATTORNEY FOR APPELLANT

## Leverett, Scott

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**From:** Leverett, Scott  
**Sent:** Friday, May 30, 2025 2:02 PM  
**To:** Melody Brown  
**Cc:** 'abennett@scag.gov'; Johnson, Gary  
**Subject:** 2024-002185 - State v. David Baynard - Extension 3  
**Attachments:** 2024-002185 - State v. David Baynard - Extension 3.pdf

Dear Ms. Brown,

Attached please find a third extension in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett  
Admin. Asst. for Gary Johnson  
Appellate Defense