

RECEIVED

Jul 28 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL SCOTT VALDARIO,

APPELLANT

APPELLATE CASE NO. 2024-001170

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

Counsel for Michael Scott Valdario respectfully requests a **fourth and final thirty (30) day extension from July 28, 2025 until August 27, 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 Michael Scott Valdario 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.

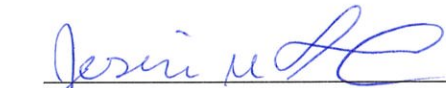
3. Counsel will file the Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Ariel Robinson with the Supreme Court today, July 28, 2025. Counsel filed the Return to Petition for Writ of Certiorari the Court of Appeals in the case of The State v. Samir Kevin Shank with the Supreme Court on July 25, 2025. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Devonte Anderson v. The State with the Supreme Court on July 18, 2025. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Bouvia Sales v. The State with the Supreme Court on July 18, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. James Curry with this Court on July 7, 2025. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Rico Funderburk with this Court on June 26, 2025. Counsel filed the Petition for Rehearing in the case of The State v. Terry S. Tyler with this Court on June 26, 2025. Counsel filed the Petition for Rehearing in the case of The State v. Ariel Robinson with this Court on June 12, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Jeffery Wise with this Court on June 11, 2025.

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 June 27, 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 July 31, 2025.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from July 28, 2025 until August 27, 2025**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

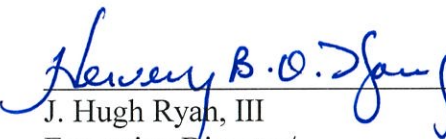
Respectfully submitted,



Jessica M. Saxon
Appellate Defender



Wanda H. Carter
Interim 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 28th day of July, 2025.

RECEIVED

Jul 28 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL SCOTT VALDARIO,

APPELLANT

APPELLATE CASE NO. 2024-001170

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 28th day of July, 2025.



Jessica M. Saxon
Appellate Defender

ATTORNEY FOR APPELLANT

Warren, Kaylynn

From: Warren, Kaylynn
Sent: Monday, July 28, 2025 8:36 AM
To: Mark Farthing
Cc: Saxon, Jessica; Caroline Collins
Subject: 2024-001170 The State v. Michael David Valdario
Attachments: 2024-001170 The State v. Michael David Valdario 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, July 28, 2025, 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