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Nov 17 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

The Hon. Dale E Van Slambrook, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

AUBREY DUPREE TUCKER,

APPELLANT

APPELLATE CASE NO. 2025-000663

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

Counsel for Aubrey Tucker respectfully requests a thirty (30) day extension from November 17, 2025, until December 17, 2025, 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 had an oral argument in The State v. William McKinney before the Court of Appeals on November 12, 2025. Counsel filed the Petition for Rehearing in the case of

Desmond Green v. The State with the Court of Appeals on November 10, 2025. Counsel had an oral argument in The State v. Phillip Lawson before the Court of Appeals on November 6, 2025. Counsel filed the Petition for Writ of Certiorari and accompanying Appendix in the case of Lonnie Miller v. The State with the Supreme Court on November 4, 2025. From October 27-29, counsel had jury duty and served as a juror on the trial of a civil matter in the Court of Common Pleas in Richland County. Counsel filed the Anders Brief of Appellant in the case of The State v. Kenneth Dawson with the Court of Appeals on October 22, 2025. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals and the accompanying Appendix in the case of Jason Ervin Black v. The State with the Supreme Court on October 17, 2025. Counsel attended the mandatory Annual South Carolina Public Defender Conference in Myrtle Beach, South Carolina from October 6-8, 2025. Counsel filed the Johnson Petition for Writ of Certiorari and accompanying Appendix in the case of John Green v. The State with the Supreme Court on October 3, 2025. Counsel filed the Petition for Rehearing in the case of The State v. Demetrius Alexander Brown with the Court of Appeals on October 1, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Christova Pierre Knowlin with the Court of Appeals on September 30, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Shamar Latrell Stanley with the Court of Appeals on September 19, 2025. Counsel filed a Return to Motion to Appoint Outside Counsel in Gary Dubose Terry v. The State, a capital PCR, with the Supreme Court on September 11, 2025. Counsel spoke at the Summary Court Intensive Training on September 9, 2025. Counsel filed the Petition for Rehearing in the case of Jason Ervin Black v. The State with the Court of Appeals on August 11, 2025. Counsel was a presenter at a CLE in Columbia on August 9, 2025.

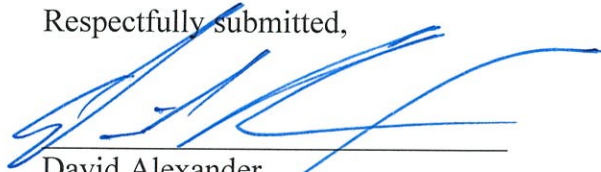
3. This request is made in good faith, and not for purposes of delay. Counsel intends

to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

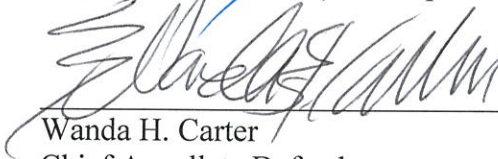
4. On October 31, 2025, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through November 30, 2025.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from November 17, 2025, until December 17, 2025. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals



Wanda H. Carter
Chief Appellate Defender

This 17th day of November 2025.

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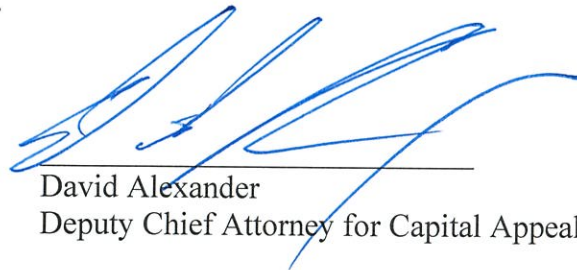
AUBREY DUPREE TUCKER,

APPELLANT

APPELLATE CASE NO. 2025-000663

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 17th day of November 2025.



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

Bast, Daniel

From: Bast, Daniel
Sent: Monday, November 17, 2025 3:30 PM
To: mbrown@scag.gov
Cc: Alexander, David; abennett@scag.gov
Subject: 2025-000663 - The State v. Aubrey Dupree Tucker
Attachments: 2025-000663 - The State v. Aubrey Dupree Tucker -3rd Extension Request.pdf

Good afternoon,

Attached is a copy of a third extension request in the above referenced case which will be filed today, November 17, 2025, with the Court of Appeals.

All the best,

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