

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Martha Rivers, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMIAN VERTEZ BURLEY,

APPELLANT

APPELLATE CASE NO. 2026-000869

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

Counsel for Damian Burley respectfully requests a thirty (30) day extension from September 8, 2026, until October 8, 2026, 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 Appellant and Record on Appeal in the case of The State v. William David Boone with the Court of Appeals on August 26, 2026. On August 24-25,

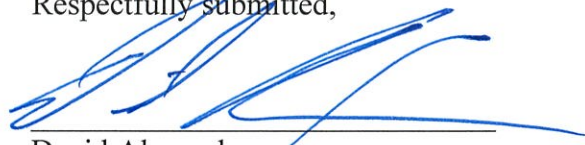
2026, counsel appeared in circuit court in Beaufort County representing a client who was called as a witness in the case of State v. Messiah Anderson. Counsel filed the Petition for Rehearing in the case of The State v. Matthew Joseph Hogan with the Court of Appeals on August 19, 2026. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Eric Neal Patton v. The State with the Supreme Court on August 12, 2026. Counsel spoke at and attended a CLE on August 6-7, 2026. Counsel filed the Brief of Appellant in the case of The State v. Breonte A. Glasgow with the Court of Appeals on July 31, 2026. Counsel filed the Petition for Rehearing in the case of The State v. Stacy Michelle Rabon with the Court of Appeals on July 30, 2026. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. James Etheridge Jones with the Court of Appeals on July 28, 2026. Counsel filed the Motion to Hold Appeal in Abeyance and Remand for Reconstruction of the Record in the case of Michael Myers v. SCDMH with the Supreme Court on July 1, 2026. Counsel filed the Brief of Appellant in the case of The State v. Ryan Woodruff with the Court of Appeals on June 29, 2026.

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.

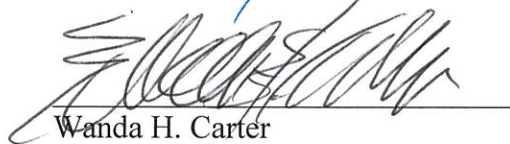
4. On August 27, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from September 8, 2026, until October 8, 2026. 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 8th day of September, 2026.

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IN THE COURT OF APPEALS

RECEIVED

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SC Court of Appeals

Appeal from Aiken County

Honorable Martha Rivers, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMIAN VERTEZ BURLEY,

APPELLANT

APPELLATE CASE NO. 2026-000869

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 8th day of September, 2026.



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT