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Oct 08 2026

SC Court of Appeals

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 **fourth and final thirty (30) day extension from October 8, 2026, until November 9, 2026**, 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 Damian Burley 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 his caseload, counsel hopes that no further extension requests will be required.

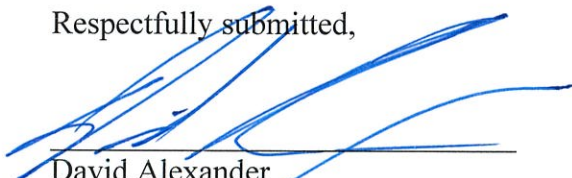
3. Counsel attended the mandatory Annual South Carolina Public Defender Conference in Myrtle Beach, South Carolina from September 28-30, 2026. Counsel filed the Initial Brief of Appellant in the case of The State v. David Wyndham Newton with the Court of Appeals on September 25, 2026. Counsel filed the Petition for Writ of Certiorari in the case of Valentino M. Hayward v. The State with the Court of Appeals on September 18, 2026. Counsel filed the Initial Brief of Appellant in the case of In the Matter of the Care and Treatment of Anthony Donnell Brown with the Court of Appeals on September 11, 2026. 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.

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.

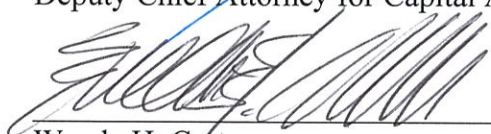
5. On September 24, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through November 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from October 8, 2026, until November 9, 2026**, 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,



David Alexander
Deputy Chief Attorney for Capital Appeals



Wanda H. Carter
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 8th day of October, 2026.

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Appeal from Aiken County

Honorable Martha Rivers, Circuit Court Judge

THE STATE,

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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 October, 2026.



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

Bast, Daniel

From: Bast, Daniel
Sent: Thursday, October 8, 2026 9:23 AM
To: mfarthing@scag.gov
Cc: Alexander, David; gracesommer@scag.gov
Subject: 2026-000869 - The State v. Damian V. Burley
Attachments: 2026-000869 - The State v. Damian V. Burley - Fourth Extension Request.pdf

Good morning,

Attached is a copy of a fourth extension request in the above referenced case which will be filed today, October 8, 2026, 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

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