

**RECEIVED**

**Jun 10 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenwood County

Honorable Donald B. Hocker, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

MARK ANTHONY HAILEY, JR.,

APPELLANT.

APPELLATE CASE NO. 2020-001276

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

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The undersigned counsel respectfully requests a thirty-day extension in which to serve and file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter are due to be served and filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel, along with co-counsel is preparing the initial reply brief of appellant and designation of matter to be filed with the Supreme Court in the death penalty case of The State v. Timothy Ray Jones, Jr. On June 4, 2021, counsel filed the petition for writ of certiorari and accompanying appendix in Jamaal Hinson v. The State with the Supreme Court. On May 25, 2021, counsel filed the return to the petition for writ of certiorari to the Court of Appeals in The

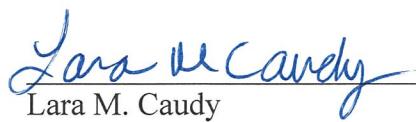
State v. Russell Levon Johnson with the Supreme Court. On May 6, 2021, counsel filed the petition for writ of certiorari and accompanying appendix in Jamie L. Giles v. The State with the Supreme Court. On April 23, 2021, counsel filed the initial brief of appellant and designation of matter in The State v. Lutavious Denard Elmore with the Court of Appeals. On April 13, 2021, counsel had an oral argument in The State v. Shane Washington before the Supreme Court. On March 22, 2021, counsel filed the brief of petitioner in Gene Tony Cooper v. The State with the Court of Appeals. On March 15, 2021, counsel filed the initial brief of appellant and designation of matter in The State v. David Viron Lewis Garrett with the Court of Appeals.

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 May 28, 2021, 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 June 30, 2021.

WHEREFORE, the undersigned counsel would respectfully request a thirty-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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Lara M. Caudy  
Appellate Defender

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Robert M. Dudek  
Chief Appellate Defender

This 10th day of June, 2021.

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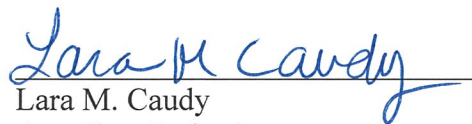
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APPELLANT.

APPELLATE CASE NO. 2020-001276  
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CERTIFICATE OF SERVICE  
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Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, 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 10th day of June, 2021.

  
Lara M. Caudy  
Appellate Defender