

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Oct 12 2022

S.C. SUPREME COURT

—————
Certiorari to Sumter County

Honorable L. Casey Manning, Circuit Court Judge
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MARCUS MCFADDEN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2022-000543
—————

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX
—————

The undersigned counsel respectfully requests a thirty-day extension from October 12, 2022 until November 14, 2022, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today, October 12, 2022, having been extended by one prior order of this Court.

2. Counsel is working on the merit brief in the case of The State v. Dionte J'Chon Habersham, which is due to be served and filed with this Court on Tuesday, October 18,

2022. Counsel, with co-counsel Kathrine H. Hudgins, is also working on the reply brief in the death penalty case of Jerome Jenkins, Jr., v. State, which will be filed with the United States Supreme Court on or before Monday, October 17, 2022. Counsel filed the brief of petitioner in the murder case of The State v. Robert Xavier Geter with this Court on Friday, October 7, 2022. Counsel also filed the brief of petitioner in the murder case of The State v. Gregg Pickrell with this Court on Friday, October 7, 2022. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Dae'Kwon Jaheem Simmons with the Court of Appeals on September 26, 2022. Counsel presented the Case Law Update PowerPoint presentation at the Annual Public Defender Conference, in North Myrtle Beach, South Carolina, on September 19-21, 2022. Counsel filed the reply brief of petitioner in the case of Shana Robinson v. State with the Court of Appeals on September 16, 2022. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Diante Jermaine Willis with the Court of Appeals on September 9, 2022. Counsel, with co-counsel Kathrine H. Hudgins, filed the petition for writ of certiorari in the death penalty case of State v. Jerome Jenkins, Jr., with the United States Supreme Court on August 31, 2022. Counsel also filed the petition for writ of certiorari in the murder case of Justin Jamal Warner v. State, with the United States Supreme Court on August 26, 2022. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

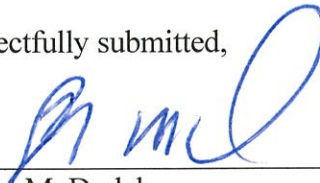
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney

General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2022. That extended, emailed general consent was dated September 28, 2022.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from October 12, 2022 until November 14, 2022. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

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ATTORNEY FOR PETITIONER

This 12th day of October, 2022.