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Nov 14 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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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

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

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The undersigned counsel respectfully requests a **final thirty-day extension from November 14, 2022 until December 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, November 14, 2022, two prior extensions have been granted in this case.
2. Counsel, with co-counsel Kathrine Hudgins, filed the Motion for Stay of Execution and for the Appointment of a Post-Conviction Relief Judge in the case of The State v. Jerome

Jenkins, Jr. with this Court on Thursday, November 10, 2022. Counsel, with co-counsel David Alexander and Lara M. Caudy, filed the brief of petitioner in the death penalty case of Marion Alexander Lindsey v. The State with this Court on Friday, November 4, 2022. Counsel is filing the Brief of Respondent in the case of The State v. Robert Xavier Geter with this Court today, Monday, November 14, 2022. Counsel intends to file the Initial Brief of Appellant and Designation of Matter in the murder case of The State v. Donovan Brannon with the Court of Appeals on Friday, November 18, 2022. Counsel filed the petition for writ of certiorari in the case of David M. Dixon v. The State with this Court on October 31, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dionte J'Chon Habersham with the Court of Appeals on October 18, 2022. Counsel, with co-counsel Kathrine H. Hudgins, filed the reply brief in the death penalty case of Jerome Jenkins, Jr., v. State, with the United States Supreme Court on October 17, 2022. Counsel filed the brief of petitioner in the case of The State v. Robert Xavier Geter with this Court on October 7, 2022. Counsel filed the brief of petitioner in the case of The State v. Gregg Pickrell with this Court on October 7, 2022. Counsel filed the initial brief of appellant and designation of matter in the 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 has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Practice Project oversight.**

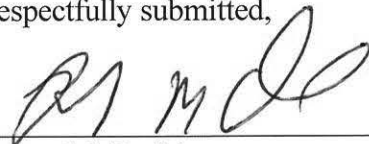
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. Opposing counsel, the Office of the Attorney General, 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 November 30, 2022. That extended, emailed general consent was dated November 1, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension from November 14, 2022 until December 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,



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Robert M. Dudek  
Chief Appellate Defender

This 14<sup>th</sup> day of November, 2022.