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Dec 01 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Clarendon County

Honorable Kristi F. Curtis, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF ELIJAH DESHAWN WHACK,

APPELLANT,

APPELLATE CASE NO. 2022-000550

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

Counsel for Elijah Deshawn Whack respectfully requests a thirty (30) day extension from December 2, 2022 until January 3, 2023, 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 on December 2, 2022.
2. Counsel filed the brief of appellant, designation of matter, and record on appeal in the case of The State v. Tyrone Moore with this Court on November 30, 2022. Counsel filed the brief of

respondent and designation of matter in the case of The State v. Joey Corvell Reid with this Court on November 28, 2022. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jaelon Jackson v. The State with the Supreme Court on November 10, 2022. Counsel, with lead counsel Robert M. Dudek and co-counsel Lara M. Caudy, filed the brief of petitioner in the death penalty case of Marion Alexander Lindsey v. The State with the Supreme Court on November 4, 2022. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Sylvester Ferguson III, with the Supreme Court on October 12, 2022. Counsel filed the brief of petitioner in the case of Allen Stone v. The State with the Supreme Court on October 10, 2022. Counsel filed the brief of appellant and designation of matter in the case of The State v. Chase Michael Milam with this Court on October 3, 2022.

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.

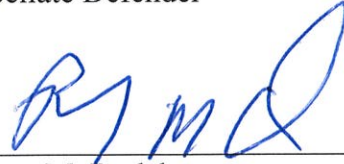
4. On November 29, 2022, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from December 2, 2022 until January 3, 2023. 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,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 1st day of December, 2022.

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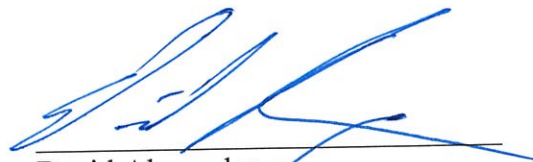
IN THE MATTER OF THE CARE AND
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APPELLANT,

APPELLATE CASE NO. 2022-000550

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 Deborah R. J. Shupe, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 1st day of December, 2022.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - SHUPE DEBORAH; "Sally Ellison"](#)
Cc: [Alexander, David](#)
Subject: 2022-000550 In the Matter of the Care and Treatment of Elijah Deshawn Whack - Motion for Third Extension
Date: Thursday, December 1, 2022 10:08:00 AM
Attachments: [2022-000550 In the Matter of the Care and Treatment of Elijah Deshawn Whack - Motion for Third Extension.pdf](#)

Ms. Shupe,

Attached for service is the 3rd extension request to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case, which will be filed with the Court of Appeals today.

Thank you,

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330