

**RECEIVED**  
**Dec 09 2022**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County

Honorable H. Steven DeBerry IV, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DEMETRUS LAWON MCCLARY,

APPELLANT.

APPELLATE CASE NO. 2022-000688

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

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Counsel for Demetrus Lawon McClary respectfully requests a thirty (30) day extension from December 9, 2022 until January 9, 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 today.
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.

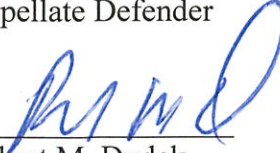
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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 9, 2022 until January 9, 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,

s/ David Alexander  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

This 9<sup>th</sup> day of December, 2022.

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CERTIFICATE OF SERVICE

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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 William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 9<sup>th</sup> day of December, 2022.

s/ David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Stock, Chris](#)  
**To:** [SC - BLITCH WILLIAM](#); [SC - COLLINS CAROLINE](#)  
**Cc:** [Alexander, David](#)  
**Subject:** 2022-000688 The State v. Demetrus Lawon McClary - Motion for Third Extension  
**Date:** Friday, December 9, 2022 9:52:00 AM  
**Attachments:** [2022-000688 The State v. Demetrus Lawon McClary - Motion for Third Extension.pdf](#)

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Mr. Blitch,

Please find attached for service the 3rd Request for Extension for Initial Brief of Appellant and Designation of Matter for Demetrus McClary's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

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