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**Jan 03 2023**  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Clarendon County

Honorable Kristi F. Curtis, Circuit Court Judge

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

APPELLANT,

APPELLATE CASE NO. 2022-000550

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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 Elijah Deshawn Whack respectfully requests a **fourth and final thirty (30) day extension from January 3, 2023 until February 2, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth 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 with the Court today.
2. Counsel for Elijah Deshawn Whack respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the petition for rehearing in the case of The State v. James Baldwin with this Court on December 22, 2022. Counsel filed the brief of appellant, designation of matter, and record on appeal in the case of The State v. Mikah Green with this Court on December 16, 2022. Counsel filed the petition for rehearing in the case of The State v. Rashawn Vertez Carter with this Court on December 15, 2022. 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.

4. Counsel makes this request in good faith and not for purpose 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.

5. On December 28, 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 January 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from January 3, 2023 until February 2, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

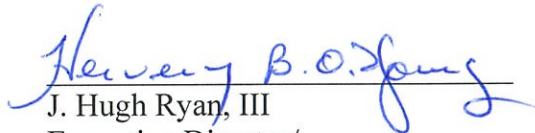
Respectfully submitted,



David Alexander  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender



J. Hugh Ryan, III  
Executive Director/  
Hervery B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training Director

This 3<sup>rd</sup> day of January, 2023.

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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 3<sup>rd</sup> day of January, 2023.



David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Stock, Chris](#)  
**To:** [SC - SHUPE DEBORAH](#); [Sally Ellison](#)  
**Cc:** [Alexander, David](#)  
**Subject:** In the Matter of the Care and Treatment of Elijah Deshawn Whack - 4th Extension for Intial Brief of Appellant - 2022-000550  
**Date:** Tuesday, January 3, 2023 10:48:00 AM  
**Attachments:** [In the Matter of the Care and Treatment of Elijah Deshawn Whack - 4th Extension for Intial Brief of Appellant - 2022-000550.pdf](#)

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Ms. Shupe,

Attached for service is the 4<sup>th</sup> 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