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Feb 03 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From The Administrative Law Court

The Honorable Ralph K. Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2019-001554

STEWART BUCHANAN *Appellant*,

v.

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND
PARDON SERVICES *Respondent*.

MOTION FOR CONTINUANCE

Appellant, Stewart Buchanan, through undersigned counsel, respectfully requests the Court grant, on an expedited basis, a continuance to the next available term of court, based on extraordinary circumstances. Undersigned counsel have conferred with counsel for Respondent, Matthew Buchanan, and he does not object to this request. In support of this motion, undersigned counsel would show:

(1) This case has been pending at the Court of Appeals since 2019. Both parties are eager to present oral argument and to receive a ruling from this Court as quickly as is reasonably feasible.

(2) At present, oral argument is scheduled for Wednesday, February 15, 2023, at 11:20 a.m. When the Court scheduled the argument, attorneys for both parties were available, and Matthew Buchanan and Hannah Freedman planned to argue on behalf of the Respondent and the Appellant, respectively.

(3) In the time since the Court scheduled the argument, however, Ms. Freedman had a change in schedule. Specifically, at the end of 2022, the SCCID Capital Division underwent significant attorney turnover, and Ms. Freedman was asked to join a team from that office in defending a capital trial in Marlboro County as the team's Appellate and Post-Conviction Specialist. *See State v. Jejauncey Harrington*, No. 2017-GS-3400338 (Marlboro Cnty.). The trial was scheduled to commence on Monday, February 6, 2023, and the team estimated that jury selection would last at least two weeks, meaning Ms. Freedman would have been able to leave Marlboro County and return to Columbia to argue *Buchanan v. SCDPPPS* without disrupting *State v. Harrington*. On Wednesday, February 1, 2023, however, the State and Mr. Harrington entered into an agreement in which the State will no longer pursue the death penalty in exchange for Mr. Harrington waiving his right to a jury trial. As a result, a bench trial before Judge Michael Nettles is now scheduled to commence in Marlboro County on Monday, February 13, 2023. Ms. Freedman is responsible for several forensic witnesses who may be called any time the week of February 13, including on February 15.

(4) Appellant's other attorney, John Blume, is a full-time Professor at Cornell Law School in Ithaca, New York, and therefore cannot be in Columbia on February 15 to argue this appeal.

(5) Counsel have conferred with the Deputy Clerk for the Court of Appeals, who indicated that the Court will be in session on March 6, 7, 9, 15, and 16. Undersigned counsel have no conflicts on March 6, 7, 15, or 16, and undersigned counsel also have no conflicts in April.

(6) Given these unusual circumstances, counsel move this Court to grant a continuance on an expedited basis and to reschedule this appeal for argument at the earliest possible date.

[Signature Block Appears on the Following Page]

Respectfully submitted,

/s Hannah Freedman

Hannah Freedman

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*South Carolina Department of Probation,
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Appellant’s Motion for Continuance was served on opposing counsel by e-mail at the address provided in the Attorney Information System: Matthew.Buchanan@ppp.sc.gov. Service was made on February 3, 2023.

/s/Cierra Negron-Saullo
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