

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Jun 14 2023

S.C. SUPREME COURT

Certiorari to Horry County

Honorable H. Steven DeBerry IV, Circuit Court Judge

MITCHELL CHEATHAM,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000119

MOTION FOR AN EXTENSION OF TIME
TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Mitchell Douglas Cheatham respectfully requests an extension of thirty (30) days from June 14, 2023, until July 14, 2023, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.
2. Counsel for Mitchell Douglas Cheatham 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 Anders Brief of Appellant in the case of The State v. Dylan Trey Foster with the Court of Appeals on June 12, 2023. Counsel filed the Anders Brief of Appellant in the case of The State v. Leonard Mickens with the Court of Appeals on June 12, 2023. Counsel filed the Anders Brief of Appellant in the case on The State v. Michael Paul Griffin with the Court of Appeals on June 5, 2023. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals In The Matter of the Care and Treatment of John Shelby Wells with the Supreme Court on May 22, 2023. Counsel, with co-counsel Robert M. Dudek, filed the Brief in Opposition in the United States Supreme Court in the case of South Carolina v. Angela D. Brewer on May 15, 2023.

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

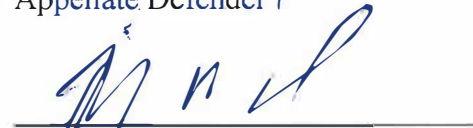
5. On May 31, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from June 14, 2023, until July 14, 2023, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 14th day of June, 2023.