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Jun 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County

Diane S. Goodstein, Circuit Court Judge

IN THE MATTER OF THE CARE AND TREATMENT OF
TRACY FABIAN,

APPELLANT

APPELLATE CASE NO. 2022-001302

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

Counsel for Tracy Fabian respectfully requests a thirty day extension 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. On June 22, 2023, counsel filed the petition for rehearing in The State v. Tammy Caison Moorner with the Court of Appeals. On June 8, 2023, counsel had an oral argument in The State v. Lutavious Elmore before the Court of Appeals. On May 30, 2023, counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in Matthew C.

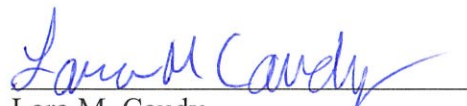
Dwyer v. The State with the Supreme Court. On May 26, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Mary Nimmons Patrick v. The State with the Supreme Court. On May 16, 2023, counsel had an oral argument in The State v. Robert Lee Miller before the Supreme Court. On May 4, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Eddie Motts v. The State with the Supreme Court.

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.

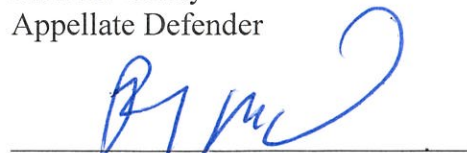
4. On May 31, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. 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,



Lara M. Caudy
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 26th day of June, 2023

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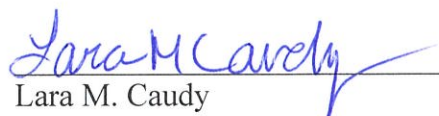
IN THE MATER OF THE CARE AND TREATMENT OF
TRACY FABIAN,

APPELLANT.

APPELLATE CASE NO. 2022-001302

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 email address listed in the Attorney Information System (AIS), this 26th day of June, 2023.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Bryant, Hannah](#)
To: [Deborah Shupe](#); sellison@scag.gov; [Caudy, Lara](#)
Subject: Tracy Fabian Appellate Case No. 2022-001302 Extension 3
Date: Monday, June 26, 2023 9:49:00 AM
Attachments: [Tracy Fabian Appellate Case No. 2022-001302 Extension 3.pdf](#)

Dear Ms. Shupe,

Please find attached for service a copy of the third extension in the above referenced case, which will be filed in the Court of Appeals today.

Hannah Bryant

Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
(803)-734-1330