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Jul 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 **fourth and final thirty (30) day extension until August 25, 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. The Court has granted counsel three previous extensions.
2. Counsel for Tracy Fabian, 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 her caseload, counsel hopes that no further extension requests will be required.

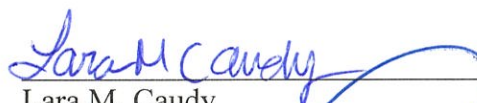
3. Today, July 26, 2023, counsel will file the initial brief of appellant and designation of matter in The State v. Dlanor Tilton with the Court of Appeals. On July 19, 2023, counsel filed the petition for rehearing in The State v. Tammy Caison Moorner with the Court of Appeals. On July 12, 2023, counsel filed the initial brief of appellant and designation of matter in The State v. Shakoya Darby with the Court of Appeals. On June 30, 2023, counsel filed the brief of appellant and designation of matter in The State v. Codrian Smalls with the Court of Appeals. On June 30, 2023, counsel, along with co-counsel, filed the brief of petitioner in William Bruce Justice v. The State with the Supreme Court. 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.

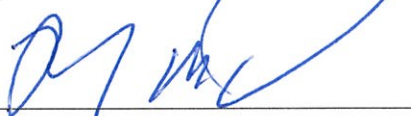
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that her caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.


5. On June 30, 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 July 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **August 25, 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,


Lara M. Caudy
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


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

This 26th day of July, 2023.

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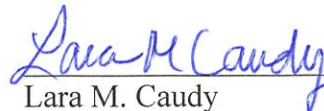
IN THE MATTER OF THE CARE AND TREATMENT OF TRACY
FABIAN,

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 that a copy of the Motion for an Extension of Time to Serve and File the Initial Brief of Appellant and Designation of Matter 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 July, 2023.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Bryant, Hannah](#)
To: [Deborah Shupe](#); [Sally Ellison](#); [Caudy, Lara](#)
Subject: Tracy Fabian Appellate Case No. 2022-001302 Extension 4
Date: Wednesday, July 26, 2023 8:39:00 AM
Attachments: [Tracy Fabian Appellate Case No. 2022-001302 Extension 4.pdf](#)

Dear Ms. Shupe,

Please find attached for service a copy of the fourth 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