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Jul 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County

Kristi F. Curtis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DERRICK A. MCILWAIN,

APPELLANT

APPELLATE CASE NO. 2022-001425

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

Counsel for Derrick A. McIlwain respectfully requests a thirty (30) day extension from July 28, 2023 until August 28, 2023, 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. Counsel is presently preparing for upcoming reconstruction hearings in the cases

of Breon Alexandre v. The State and The State v. Marvin Donte Bryan, both before the Honorable Judge Deadra Jefferson, on August 8, 2023. Counsel filed the Initial Brief and Designation of Matter in the case of The State v. Micah Brown with the Court of Appeals on June 30, 2023. Counsel filed the Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Brandon Johnson with the Court of Appeals on June 19, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Randall Gadson v. The State with the Supreme Court on June 9, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Harold Gene White III with the Court of Appeals on May 30, 2023. Counsel filed the Initial Brief and Designation of Matter in the case of The State v. Mazar Sturdivant with the Court of Appeals on May 11, 2023.

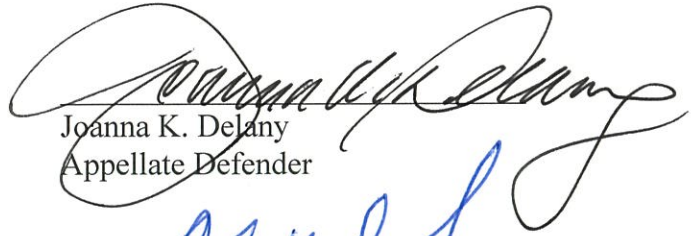
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On 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.

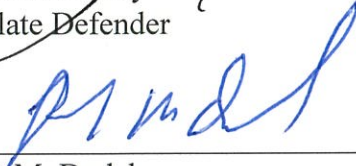
WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from July 28, 2023 until August 28, 2023. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

[signature page to follow]

Respectfully submitted,



Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 28th day of July, 2023.

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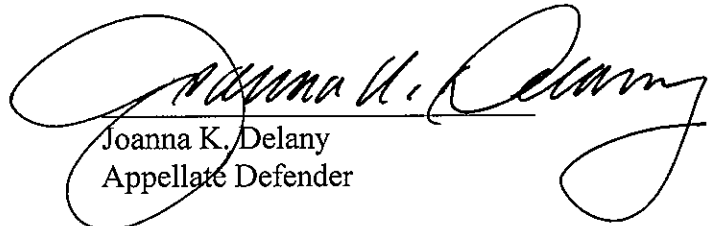
DERRICK A. MCILWAIN,

APPELLANT

APPELLATE CASE NO. 2022-001425

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 28th day of July, 2023.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Delany, Joanna](#); [Angela Brown](#)
Subject: 2022-001425 The State v. Derrick A. McIlwain
Date: Friday, July 28, 2023 10:16:00 AM
Attachments: [2022-001425 The State v. Derrick A. McIlwain Third Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Third Motion for Extension which will be filed today, July 28, 2023, with the Court of Appeals via email filing.

Respectfully,
Kaylynn

Kaylynn Warren

Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330