

RECEIVED

Nov 29 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Daniel D. Hall, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF MERRILLD C. STEWART,

APPELLANT

APPELLATE CASE NO. 2023-000311

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

Counsel for Merrildd C. Stewart respectfully requests a thirty (30) day extension from November 29, 2023, until December 29, 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 filed the Brief of Appellant in the case of In the Matter of the Care and Treatment of Perry Gustus Phillips with this Court on November 28, 2023. Counsel was a

speaker at a CLE on Monday, November 20, 2023. Along with Chief Appellate Defender Robert M. Dudek and co-counsel Lara M. Caudy, Counsel filed the Petition for Writ of Certiorari in the United States Supreme Court in the death penalty case of State v. Timothy Ray Jones, Jr., on November 16, 2023. On November 7, 2023, Counsel argued the case of State v. Jeremiah DiCapua in this Court. On October 27, 2023, counsel filed the Return to the Petition for Rehearing in State v. Corey Brown in the Supreme Court. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of In the Matter of Joseph Curtis with this Court on October 25, 2023. On October 12, 2023, Counsel filed the Return to the Petition for Rehearing in State v. Joey Reid in this Court. From October 9-11, Counsel attended the annual Public Defender's Conference in Myrtle Beach. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Rayshon Smith v. The State with the Supreme Court on October 5, 2023. Counsel filed the Brief of Appellant in the case of The State v. Delmar Racory Sanders with this Court on September 29, 2023. Counsel filed a Petition for Certiorari in the United States Supreme Court in the case of South Carolina v. Mary Ann German on September 25, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Henry Pinckney v. The State with the Supreme Court on September 20, 2023.

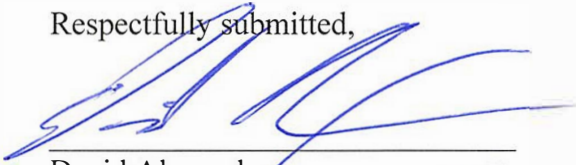
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On October 31, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by

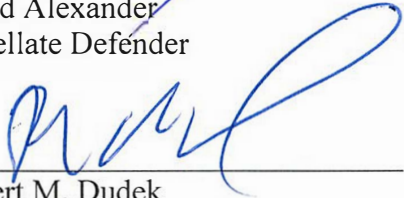
Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through November 30, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from November 29, 2023, until December 29, 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.

Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 29th day of November, 2023.

RECEIVED

Nov 29 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable Daniel D. Hall, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF MERRILL D. STEWART,

APPELLANT

APPELLATE CASE NO. 2023-000311

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 e-mail address listed in the Attorney Information System (AIS), this 29th day of November, 2023.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: dshupe@scag.gov; [Sally Ellison](#)
Cc: [Alexander, David](#)
Subject: 2023-000311 In the Matter of Merrilld C. Stewart - Third Motion for Extension
Date: Wednesday, November 29, 2023 12:31:00 PM
Attachments: [2023-000311 In the Matter of Merrilld C. Stewart - Third Motion for Extension.pdf](#)

Good Afternoon,

Please find attached for service in the above-referenced case the Third Motion for Extension in which to serve and file the initial brief of appellant and designation of matter. This extension will be filed today, November 29, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29201-1589
(803) 734-1330 – Telephone
(803) 734-1397 - Fax