

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 **fourth and final thirty (30) day extension from January 3, 2024, until February 2, 2024**, 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.
2. Counsel for Merrildd C. Stewart 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.

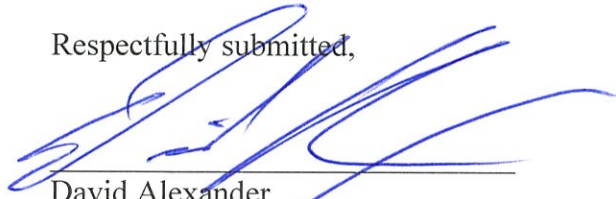
3. Counsel filed the Brief of Respondent-Petitioner in the case of Jason Black v. The State with this Court on December 20, 2023. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Edna Sluder v. The State with the Supreme Court on December 6, 2023. Counsel filed the 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.

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 the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

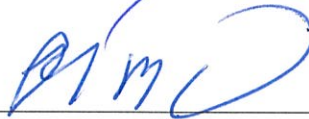
5. On January 2, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from January 3, 2024, until February 2, 2024**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

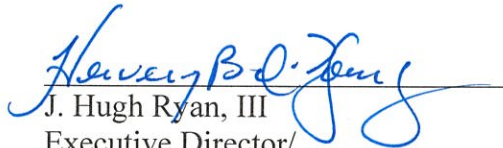
Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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

This 3rd day of January, 2024.

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Jan 03 2024

SC Court of Appeals

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Honorable Daniel D. Hall, Circuit Court Judge

IN THE MATTER OF THE CARE AND
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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 3rd day of January, 2024.



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 Merrild C. Stewart - Fourth Motion for Extension
Date: Wednesday, January 3, 2024 12:11:00 PM
Attachments: [2023-000311 In The Matter of Merrild C. Stewart - Fourth Motion for Extension.pdf](#)

Good Afternoon,

Please find attached for service in the above-referenced case the Fourth Motion for Extension in which to serve and file the initial brief of appellant and designation of matter. This extension will be filed today, January 3, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
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