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Jan 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County
The Honorable Diane S. Goodstein, Circuit Court Judge
Appellate Case No. 2022-001302

In the Matter of the Care and Treatment
of Tracy Fabian,

Appellant.

**MOTION FOR FOURTH EXTENSION TO FILE INITIAL BRIEF
OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, State of South Carolina, hereby moves for a fourth extension of time to file the Initial Brief of Respondent and Designation of Matter to be included in the Record on Appeal. Respondent submits the following:

1. The Initial Brief of Respondent and Designation of Matter are due to be filed and served January 3, 2024, pursuant to a third extension. Respondent requests a fourth extension to serve and file these documents, which is not made for the purpose of delay but to a heavy workload and counsel having to assume responsibility for additional cases due to the death of a colleague and the recent departure of another attorney. Counsel had to prioritize the additional caseload in conjunction with this case and other cases Counsel is working on.

2. Counsel has worked on the Initial Brief and Designation of Matter but has been unable to complete the Brief prior to the due date. Counsel assures the Court completion of the Brief is a high priority, and she will work diligently to complete it.

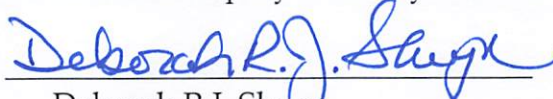
3. Please be advised that the State and Appellate Defense continue to consent to any requests for extensions or out-of-time filings. This limited consent applies to requests up and including January 31, 2024.

Based on the foregoing, counsel for Respondent respectfully requests that this Court grant a fourth 30-day extension in which to file and serve the Initial Brief of Respondent and Designation of Matter in this case, and that all deadlines be held in abeyance pending resolution of this Motion.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
Deborah R.J. Shupe

DONALD J. ZELENKA
Deputy Attorney General

BY: /s/Donald J. Zelenka
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January 3, 2024

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PROOF OF SERVICE

I, Grace Sommer, certify I served the Motion for Fourth Extension to File the Initial Brief of Respondent and Designation of Matter on Appellant by email to the address reflected in the AIS system.

Lara M. Caudy (lcaudy@sccid.sc.gov)
Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

The Motion of Fourth Extension to File the Initial Brief of Respondent and Designation of Matter has also been filed with the Court of Appeals at ctapp@sccourts.org.

I further certify that all parties required by Rule to be served have been served.

January 3, 2024.



Grace Sommer
Legal Assistant

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