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Jan 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

THOMAS S. MCFADDEN,

APPELLANT

APPELLATE CASE NO. 2023-000566

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

Counsel for Thomas S. McFadden respectfully requests a thirty (30) day extension from January 17, 2024, until February 16, 2024, 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 The State v. Matthew Hogan with this Court on January 16, 2024. Counsel filed the Brief of Respondent-Petitioner in the case

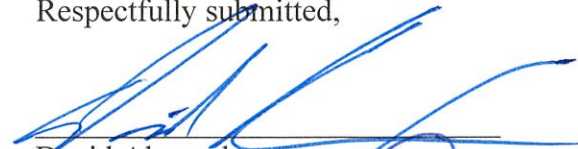
of Jason Black v. The State with this Court on December 20, 2023. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Edna Sluder v. The State with the Supreme Court on December 6, 2023. Counsel filed the Brief of Appellant in the case of In the Matter of the Care and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

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.

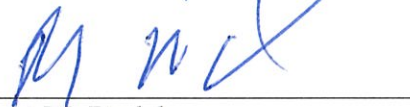
4. On January 2, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from January 17, 2024, until February 16, 2024. 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 17th day of January, 2024.

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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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 17th day of January, 2024.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: [SC - BROWN MELODY; Angela Brown](#)
Cc: [Alexander, David](#)
Subject: 2023-000566 The State v. Thomas S. McFadden - Third Motion for Extension
Date: Wednesday, January 17, 2024 9:39:00 AM
Attachments: [2023-000566 The State v. Thomas S. McFadden - Third Motion for Extension.pdf](#)

Good Morning,

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, January 17, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

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