

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Feb 01 2024

S.C. SUPREME COURT

Certiorari to Orangeburg County

Honorable George M. McFaddin, Circuit Court Judge

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DARYL L. SUTTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001573

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MOTION FOR AN EXTENSION OF TIME  
TO FILE THE PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX

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Counsel for Daryl L. Sutton respectfully requests an extension of thirty (30) days from February 1, 2024, until March 4, 2024, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.
2. Counsel for Daryl L. Sutton 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.

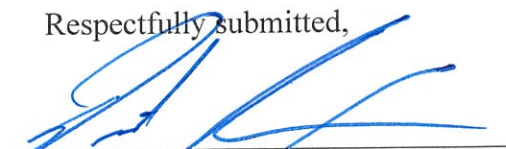
3. Counsel filed the Reply in Support of Petition for a Writ of Certiorari in the case of State of South Carolina v. Mary Ann German with the United States Supreme Court on January 30, 2024. Counsel filed the Return to Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Joey C. Reid with this Court on January 26, 2024. Counsel filed the brief of appellant in the case of The State v. Matthew Hogan with the Court of Appeals on January 16, 2024. Counsel filed the Brief of Respondent-Petitioner in the case of Jason Black v. The State with the Court of Appeals 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 this 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 the Court of Appeals 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 the Court of Appeals.

4. Counsel makes this request in good faith and not for purpose of delay.

5. On January 31, 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 February 29, 2024.

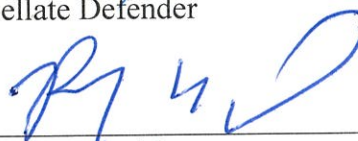
WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from February 1, 2024, until March 4, 2024, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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David Alexander  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

This 1st day of February, 2024.