

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Orangeburg County

Honorable George M. McFaddin, Circuit Court Judge

DARYL L. SUTTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001573

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

Counsel for Daryl L. Sutton respectfully requests a **final thirty (30) day extension, from March 4, 2024, until April 3, 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 third 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

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extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

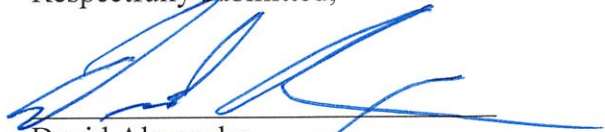
3. Counsel filed the Brief of Petitioner in the case of The State v. Rashawn Vertez Carter with this Court on February 20, 2024. Along with Chief Appellate Defender Robert M. Dudek and co-counsel Lara M. Caudy, Counsel filed the Reply in Support of Petition for a Writ of Certiorari in the case of The State of South Carolina v. Timothy Ray Jones, Jr. with the United States Supreme Court on February 2, 2024. Counsel filed the Brief of Appellant in the case of In the Matter of the Care and Treatment of Merrilld Stewart with the Court of Appeals on February 1, 2024. 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.

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

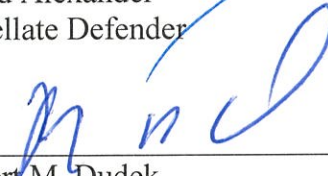
5. On February 28, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from March 4, 2024, until April 3, 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 filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 4th day of March, 2024.