

IN THE STATE OF SOUTH CAROLINA  
In the Supreme Court

RECEIVED

Sep 23 2024

S.C. SUPREME COURT

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

The Honorable Patrick Cleburne Fant III, Circuit Court Judge

Case No. 2024-000474

David D. Stalk,

Appellant,

vs.

The State of South Carolina,

Respondent.

**MOTION FOR EXTENSION TO FILE PETITION FOR A WRIT OF CERTIORARI**

Undersigned counsel respectfully requests a **final** one-month extension to file the petition for writ of certiorari and appendix in this matter. It is currently due September 22, 2024. Counsel requests a due date of **October 22, 2024** due to caseload issues. Recently, counsel has had the following professional obligations: Filing an opening brief and relevant excerpts in the Fifth Circuit Court of Appeals on September 3, 2024, *United States v. James Peabody*, Case No. 24-10270; filing an amended brief in the D.C. Circuit Court of Appeals on September 17, 2024, *United States v. Daniel Phipps*, Case No. 23-3142; two federal sentencing proceedings on August 29, 2024 and September 3, 2024, *United States v. Martrell Johnson-Cooke*, C/A 3:23-cr-00594-MGL and *United States v. Tyrese Young*, C/A: 3:23-cr-00228-MGL, respectively; filing opening brief and joint

appendix due on September 30, 2024 in the Fourth Circuit Court of Appeals, *United States v. Jaquate Simpson* (with 3 other co-defendants), Case No. 24-4073; an oral argument in the Second Circuit Court of Appeals on October 7, 2023, *United States v. Gladimir Thomas*, Case No. 23-6008; filing a petition for writ of certiorari in the United States Supreme Court for a Mississippi death penalty case on October 23, 2024, *State of Mississippi v. James Cobb Hutto, III*, 2017-DR-01207-SCT; and an oral argument in the D.C. Circuit Court of Appeals on October 25, 2024, *United States v. Barry Ramey*, Case No. 23-3119. She is also travelling to Baltimore September 26-27, 2024 for a swearing-in session for the District of Maryland.

Much of the petition for writ of certiorari and *Austin* petitions are completed, but counsel requests this final extension so the issues are properly developed and presented.

Respectfully submitted,

/s/ Elizabeth Franklin-Best  
Elizabeth Franklin-Best, P.C.  
3710 Landmark Drive, Suite 113  
Columbia, South Carolina 29204  
(803) 445-1333  
[elizabeth@franklinbestlaw.com](mailto:elizabeth@franklinbestlaw.com)

September 22, 2024.

**RECEIVED**

**Sep 23 2024**

**S.C. SUPREME COURT**

**CERTIFICATE OF SERVICE**

Counsel certifies that she has provided a copy of this motion on Russ Barlow of the South Carolina Attorney General's Office via email on this date, September 22, 2024.

/s/ Elizabeth Franklin-Best