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Dec 16 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Beaufort County

Honorable , Circuit Court Judge

NICK RUSSELL EVANGELISTA,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2024-001070

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

Counsel for Nick Russell Evangelista respectfully requests an extension of thirty (30) days from December 16, 2024 until January 15, 2025 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 Nick Russell Evangelista 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 her caseload, counsel hopes that no further extension requests will be required.

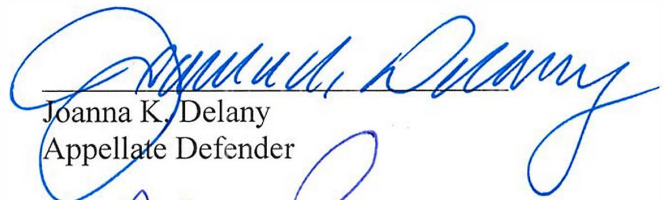
3. Counsel filed the *Johnson* Petition for Writ of Certiorari in the case of Courtney E. Brock v. State with the Supreme Court on December 3, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Kevin Lawrence Pearson v. State with the Supreme Court on November 21, 2024. Counsel filed the Return to Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Wanda Jane Crumpton with the Supreme Court on November 18, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Benjamin L. Nation with the Court of Appeals on November 8, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Kyle Wayne Way v. State with the Supreme Court on October 30, 2024. Counsel filed the *Johnson* Petition for Writ of Certiorari and the Appendix in the case of Nathaniel Nesmith v. State with the Supreme Court on October 21, 2024.

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

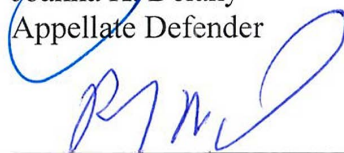
5. On November 27, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from December 16, 2024 until January 15, 2025, 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,



Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 16th day of December, 2024.