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**Jan 27 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from York County

J. Derham Cole, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

NICHOLAS JOHN CAPUTO,

APPELLANT

APPELLATE CASE NO. 2024-000966

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**MOTION TO FILE EXTENSION  
OUT OF TIME**

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Counsel David Alexander respectfully requests leave under Rule 263(b) in which to file the second extension for time to file the initial brief and designation of matter in this case out of time. In support of this request, counsel shows:

(1) The second extension for the initial brief and designation of matter was due to be served and filed with this Court on January 6, 2025.

(2) However, due to administrative error, the extension was not timely filed. Upon notice from this Court, counsel acted immediately to prepare the extension and file it with this Court along with this Motion.

(3) Counsel makes this request in good faith and not for purposes of delay.

(4) Opposing counsel, Matthew C. Buchanan with the South Carolina Department of Probation, Parole and Pardon Services graciously consents to this extension request.

WHEREFORE, counsel for Appellant respectfully requests the Court accept the first thirty-day extension as filed out of time.



David Alexander  
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

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NICHOLAS JOHN CAPUTO,

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APPELLATE CASE NO. 2024-000966  
\_\_\_\_\_

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 to File Extension Out of Time has been served upon Matthew C. Buchanan, this 27th day of January, 2025, at the primary e-mail address as listed in the Attorney Information System (AIS).



\_\_\_\_\_  
David Alexander  
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

**From:** [Stock, Chris](#)  
**To:** [matthew.buchanan@ppp.sc.gov](mailto:matthew.buchanan@ppp.sc.gov); [SC - NICHOLS DAWN](#)  
**Cc:** [Alexander, David](#)  
**Subject:** 2024-000966 - Nicholas J. Caputo - Motion to File Extension Out of Time & 2nd Extension Request  
**Date:** Monday, January 27, 2025 4:23:00 PM  
**Attachments:** [2024-000966 - Nicholas J. Caputo - 2nd Extension Request.pdf](#)  
[2024-000966 - Nicholas J. Caputo - Motion to File Extension out of Time.pdf](#)

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Mr. Buchanan,

Please find attached for service the Motion to File Extension Out of Time and the 2nd Request for Extension for Initial Brief of Appellant and Designation of Matter for Nicholas John Caputo's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

**Chris Stock**  
Administrative Assistant  
Commission on Indigent Defense  
Appellate Division  
(803) 734-1330

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**SC Court of Appeals**



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

January 27, 2025

The Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: The State v. Nicholas John Caputo  
Appellate Case No. 2024-000966

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above-referenced case were due to be served and filed on January 6, 2025. Because of my present workload, I respectfully request a thirty (30) day extension of this deadline until February 5, 2025. One prior extension has been granted in this case.

Matthew C. Buchanan with the South Carolina Department of Probation, Parole and Pardon Services graciously consents to this extension request.

Thank you for your cooperation and assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Alexander", is written over a horizontal line. The signature is stylized and somewhat cursive.

David Alexander

DAA/cws

cc: Matthew C. Buchanan, Esquire