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Feb 05 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NICHOLAS JOHN CAPUTO,

APPELLANT

APPELLATE CASE NO. 2024-000966

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Nicholas John Caputo respectfully requests a thirty (30) day extension from February 5, 2025, until March 7, 2025, in which to serve and file the Initial Brief of Appellant and Designation of Matter 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:

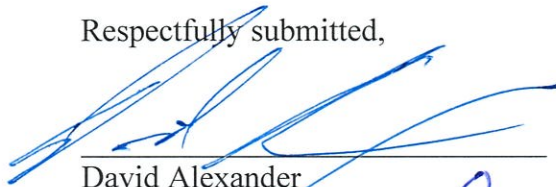
1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed today.
2. Counsel filed the Petition for Writ of Certiorari and accompanying Appendix in the case of Joshua Warren Hopkins v. The State with the Supreme Court on February 3, 2025. Counsel

filed the Petition for Writ of Certiorari and accompanying Appendix in the case of Clifton Curtis Boozer v. The State with the Supreme Court on January 21, 2025. Counsel filed the Petition for Writ of Certiorari and accompanying Appendix in the case of Bobby Jones v. The State with the Supreme Court on December 23, 2024. Counsel filed the Petition for Rehearing in the case of In the Matter of Wiley L. Chapman with the Court of Appeals on December 12, 2024. Counsel filed the Brief in the case of The State v. Dana Andrew Butler, Jr. with the Court of Appeals on December 12, 2024. Counsel filed the Petition for Writ of Certiorari and accompanying Appendix in the case of Michael T. Lawyer v. The State with the Supreme Court on December 5, 2024. Counsel filed the Brief in the case of The State v. Towodi Tecumseh Shequoyah with the Court of Appeals on November 18, 2024. Counsel filed the Petition for Writ of Certiorari and accompanying Appendix in the case of Jake Antonio Wilson v. The State with the Supreme Court on November 7, 2024. Counsel had an oral argument in State v. Rashawn Vertez Carter before the Supreme Court on October 30, 2024. Counsel attended in person the PCR hearing for Tyshun Bessilieu held in Georgetown on October 28, 2024.

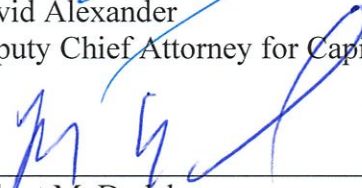
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from February 5, 2025, until March 7, 2025. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals



Robert M. Dudek
Chief Appellate Defender

This 5th day of February, 2025.

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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 for Extension in the above-referenced case has been served upon Matthew C. Buchanan, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 5th day of February, 2025.



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BUCHANAN MATTHEW](#); [SC - NICHOLS DAWN](#)
Cc: [Alexander, David](#)
Subject: 2024-000966 - Nicholas J. Caputo - 3rd Extension Request
Date: Wednesday, February 5, 2025 3:22:00 PM
Attachments: [2024-000966 - Nicholas J. Caputo - 3rd Extension Request.pdf](#)

Mr. Buchanan,

Please find attached for service the 3rd 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