

**RECEIVED**

**Mar 05 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County

Honorable Roger M. Young, Circuit Court Judge

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IN THE MATTER OF THE CARE AND  
TREATMENT OF BENJAMIN HEYWARD,

APPELLANT,

APPELLATE CASE NO. 2024-001690

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

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Counsel for Benjamin Heyward respectfully requests a thirty (30) day extension from February 3, 2025, until March 5, 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 with the Court today.

2. Counsel for Benjamin Heyward 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 his

caseload, counsel hopes that no further extension requests will be required.

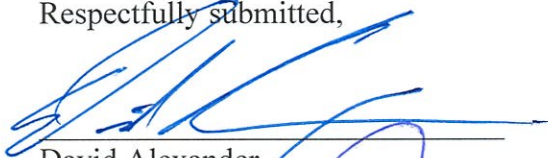
3. Counsel filed the Brief and Record on Appeal in the case of The State v. Alvaro Seleste McBride with the Court of Appeals on February 28, 2025. Counsel filed the Motion for a New Trial in the case of The State v. James Owens with the Court of Appeals on February 25, 2025. Counsel filed the Initial Brief of Respondent in the case of The State v. Richard Leroy Anderson with the Court of Appeals on February 12, 2025. Counsel attended in person the reconstruction hearing for James Owens held in Sumter on February 10, 2025. 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.

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

5. On March 3, 2025, 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, 2025.

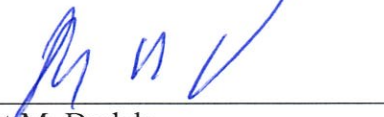
WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from March 5, 2025, until April 4, 2025. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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David Alexander  
Deputy Chief Attorney for Capital Appeals



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Robert M. Dudek  
Chief Appellate Defender

This 5<sup>th</sup> day of March, 2025.

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CERTIFICATE OF SERVICE

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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 Deborah R. Shupe, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 5<sup>th</sup> day of March, 2025.



David Alexander  
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

**From:** [Stock, Chris](#)  
**To:** [SC - SHUPE DEBORAH](#); [Abigail Hawley-Browder](#)  
**Cc:** [Alexander, David](#)  
**Subject:** 2024-001690 - In the Matter of Benjamin Heyward - 3rd Extension Request  
**Date:** Wednesday, March 5, 2025 2:23:00 PM  
**Attachments:** [2024-001690 - In the Matter of Benjamin Heyward - 3rd Extension Request.pdf](#)

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Ms. Shupe,

Please find attached for service the 3<sup>rd</sup> Extension Request for the Initial Brief of Appellant and Designation of Matter for In the Matter of Benjamin Heyward's appeal which will be filed with the Court of Appeals today.

If you have any questions, please let me know.

Thank you,

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