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Mar 12 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of General Sessions

Robert E. Hood, Circuit Court Judge

Appellate Case No. 2024-001951
Case Nos. 2018-GS-28-01499

The State,

Respondent,

v.

Stacey McClintock Catoe,

Appellant.

MOTION FOR EXTENSION TO FILE
INITIAL BRIEF AND DESIGNATION OF APPELLANT

Comes now, Jack B. Swerling, attorney for the Appellant, Stacey McClintock Catoe, requesting an extension to file the Appellant's initial brief and designation of matter to be included in the Record on Appeal. Counsel previously requested two thirty-day extensions of the deadline for these documents, and the current deadline is March 12, 2025. Counsel respectfully requests an additional extension of thirty days to file these documents, to April 11, 2025.

Counsel seeks this third extension due to counsel's recent unusually heavy schedule of trials, preparation for future trials, and work on appellate matters, and due to issues of staff turnover in his office and medical issues in his family. At present, counsel has no associate lawyer and until recently was without any paralegal or secretarial staff member, having filled one of those positions

just weeks ago. In addition, counsel has missed significant time from work in the last month due to major surgery for his wife and an unexpectedly difficult recovery for her from that surgery. Counsel's recent workload has included three appeals that are simultaneously in the briefing stage (appellate case numbers 2024-000692, 2024-001890, and 2024-001951), all of which involve lengthy trial transcripts to review. Counsel was able to complete the preparation and filing of the brief in the first of those appeals last week, and counsel is currently reviewing the transcripts and researching the possible issues for appeal in the other two, including this appeal. At the same time, counsel is preparing for two lengthy trials, an expected week-long trial next week in Jasper County, followed shortly thereafter by a state grand jury trial that is expected to take one to two weeks.

Good cause exists for the grant of a third extension, and the requirement of the Court's order of March 18, 2009, regarding extensions in criminal direct appeals is met. This extension request is made in good faith and not for the purpose of delay, but for good cause due to counsel's current workload, family medical situation, and office staffing issues.

Counsel is a sole practitioner, therefore only one signature appears on this motion.

WHEREFORE, for good cause shown, counsel respectfully requests a thirty-day extension of time to serve and file the Appellant's initial brief and designation of matter, to April 11, 2025.

Respectfully submitted,

Jack B. Swerling
Law Offices of Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: (803) 765-2626
South Carolina Bar No. 5457
Attorney for Appellant

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PROOF OF SERVICE

I hereby certify that I am serving the Motion for Extension to File Initial Brief and Designation of Appellant, by email to Assistant Deputy Attorney General Melody Jane Brown, at her AIS email address, mbrown@scag.gov, on March 12, 2025, as shown by the email by which the Motion is being filed.

Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: (803) 765-2626
South Carolina Bar No. 5457
Attorney for Appellant