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Apr 09 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Jasper County

Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DERRICK L. TUTEN,

APPELLANT.

APPELLATE CASE NO. 2024-000904

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

Counsel for appellant respectfully requests a thirty (30) day extension, 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 Johnson petition for writ of certiorari and accompanying appendix in the case of Darrell Green v. State with the Supreme Court on March 21, 2025. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Wallace Demery v.

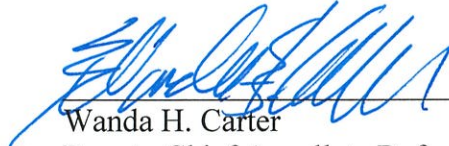
State with the Supreme Court on March 17, 2025. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Reynoldo Pimienta v. State with the Supreme Court on March 14, 2025. Counsel had an oral argument in the case of State v. James E. Daniels in the Supreme Court on March 11, 2025. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Jacob Hall with the Court of Appeals on March 7, 2025. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Rasheed Robinson with the Court of Appeals on March 3, 2025. Counsel filed the petition for rehearing in the case of State v. Shanekia Garvin with the Court of Appeals on February 13, 2025. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Chavis Cox with the Court of Appeals on February 3, 2025. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Darrell Green v. State with the Supreme Court on January 15, 2025. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Terrionna M. Hart with the Court of Appeals on January 2, 2025. Counsel filed the Brief of Petitioner in the case of State v. Andres Posso with the Supreme Court on December 23, 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 her caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

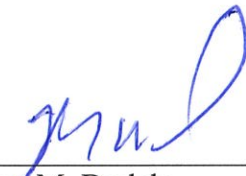
4. On March 28, 2025 opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through April 30, 2025.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 9th day of April, 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 Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 9th day of April, 2025.



Wanda H. Carter

Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

Leverett, Scott

From: Leverett, Scott
Sent: Wednesday, April 9, 2025 10:14 AM
To: Mark Farthing
Cc: Caroline Collins; Carter, Wanda
Subject: 2024-000904 - State v. Derrick L. Tuten - Extension 3
Attachments: 2024-000904 - State v. Derrick L. Tuten - Extension 3.pdf

Dear Mr. Farthing,

Attached please find a copy of the third extension in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Wanda H. Carter
Appellate Defense