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Apr 11 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 three thirty-day extensions of the deadline for these documents, and the current deadline is April 11, 2025. Counsel respectfully requests an additional extension of thirty days to file these documents, to May 12, 2025.

Counsel seeks this fourth 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 secretarial staff member and until last week also had no paralegal or associate attorney. Counsel filled a secretarial position

less than two months ago, but that person is no longer in counsel's employ. Counsel filled both an associate attorney position and a paralegal position last week, and counsel is actively seeking replacement secretarial help. The continuing staff turnover and hiring issues have severely disrupted counsel's ability to do the work necessary to meet the current deadline in this appeal. In addition, counsel has missed significant time from work in the last two months due to an unexpectedly complicated and difficult recovery of counsel's wife from major surgery.

Counsel's recent workload has included three appeals in the briefing stage simultaneously (appellate case numbers 2024-000692, 2024-001890, and 2024-001951), all of which have involved lengthy trial transcripts to review. Counsel was able to complete the preparation and filing of the brief in the first of those appeals in March. Counsel has reviewed the transcript and researched the appellate issues in the second of those appeals and is in the process of finalizing that brief in anticipation of filing it within the next two weeks. Counsel is in the process of reviewing the transcript and researching the possible issues to raise in the third of those appeals, the current appeal. While working on these appellate matters, counsel has also been under a heavy trial preparation schedule throughout the month of March.

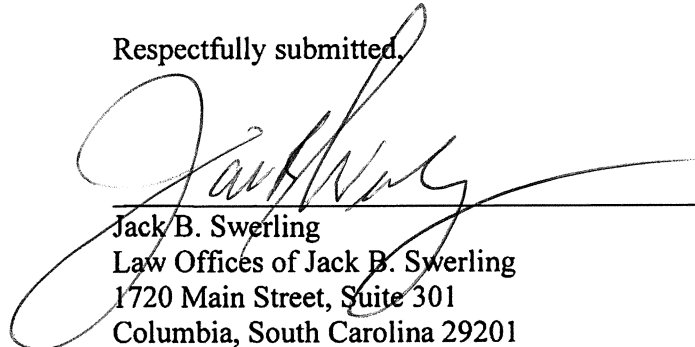
Counsel's recent workload, staffing issues, and wife's medical issues present extraordinary circumstances that warrant a fourth extension, as required by the Supreme Court's order of March 18, 2009, regarding extensions in criminal direct appeals. The following actions are being taken to insure that further extensions will not be required: (1) counsel is in the process of reading the lengthy trial transcript in this case and researching and analyzing the potential legal issues for appeal, and should be able to complete the appellant's initial brief within the extension period sought by this motion, and (2) counsel hired an associate attorney and a paralegal who both started last week and counsel is actively seeking to hire additional staff, which should also enable him to

meet the May 12 deadline, if this extension is granted. This extension request is made in good faith and not for the purpose of delay, but due to the extraordinary circumstances of counsel's heavy workload, family medical situation, and office staffing issues.

Counsel's associate attorney has also signed this extension motion, in keeping with the requirements of the order of March 18, 2009.


WHEREFORE, based on the extraordinary circumstances recited above, counsel respectfully requests a thirty-day extension of time to serve and file the Appellant's initial brief and designation of matter to be included in the Record on Appeal, to May 12, 2025.

Respectfully submitted,



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Attorney for Appellant

I believe the extension is warranted
and that extraordinary circumstances
are present:



Associate Attorney
Law Offices of Jack B. Swerling

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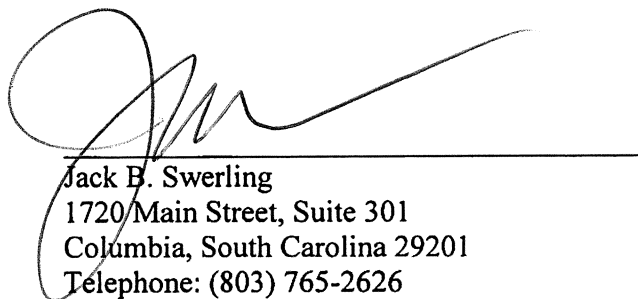
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PROOF OF SERVICE

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 April 11, 2025, as shown by the email by which the Motion is being filed.



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