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Jun 23 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from State Grand Jury

R. Scott Sprouse, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

NICHOLAS GRACELY,

APPELLANT.

APPELLATE CASE NO. 2024-001879

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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 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 had an oral argument in the case of State v. Jeremy S. Cornish in the Court of Appeals on June 11, 2025. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Kenneth Mitchell with the Court of Appeals on June 11, 2025. Counsel filed the


Anders brief of appellant and record on appeal in the case of State v. Samuel S. Horton with the Court of Appeals on June 9, 2025. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jonathan Lee Gray with the Court of Appeals on May 30, 2025. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Shanekia R. Garvin with the Supreme Court on May 19, 2025. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Derrick L. Tuten with the Court of Appeals on May 12, 2025. Counsel filed the petition for rehearing in the case of State v. Michael Mobley with the Court of Appeals on May 8, 2025. Counsel had an oral argument in the case of State v. Matthew S. Young in the Cour of Appeal on April 8, 2025. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Jackie Ray Childers v. State with the Supreme Court on April 4, 2025. 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.

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 May 30, 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 June 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,



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Wanda H. Carter  
Deputy Chief Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

This 23rd day of June, 2025.

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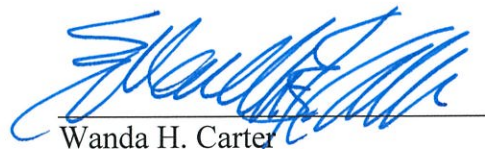
APPELLATE CASE NO. 2024-001879

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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 Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 23rd day of June, 2025.



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Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

## Leverett, Scott

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**From:** Leverett, Scott  
**Sent:** Monday, June 23, 2025 1:39 PM  
**To:** Mark Farthing  
**Cc:** Caroline Collins; Carter, Wanda  
**Subject:** 2024-001879 - State v. Nicholas Gracely - Extension 3  
**Attachments:** 2024-001879 - State v. Nicholas Gracely - 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 Carter  
Appellate Defense