

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHAWN DOUGLAS CUSTER,

APPELLANT

APPELLATE CASE NO. 2019-000292

PETITION FOR EXTENSION TO ORDER THE TRANSCRIPT

The undersigned counsel respectfully requests a thirty-day extension in which to order the transcript in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. On February 25, 2019, this Court notified the Office of Appellate Defense of the notice of intent to appeal filed by Mr. Shawn Douglas Custer, pro-se.
2. In order to determine Mr. Custer's indigency, this Office sent the pro-se Mr. Custer an Affidavit of Indigency for completion, on February 25, 2019.
3. On February 26, 2019, this Office received copy of the Court's letter addressed to Custer's attorney, Patrick McFadden Killen, Esquire.

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MAR 22 2019

SC Court of Appeals

4. On March 18, 2019, this Office sent another affidavit of indigency to Patrick Killen, Esquire requesting that he assist in having his client, Shawn Custer, forward a copy of the indigency affidavit to this office.

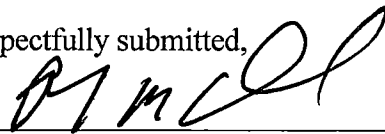
5. On that same day, Mr. Killen informed our office that he was not involved in Mr. Custer's appeal, but that he would ask Appellant Custer to forward the affidavit to our office.

6. As of today, this Office has not received the affidavit of indigency. Because this office should have forwarded the affidavit of indigency to Counsel Killen on February 26, 2019, the date of this Court's letter to counsel, rather than March 18, 2019 requesting that counsel ensure his client forwarded the affidavit of indigency to this office, undersigned counsel is making the motion for an extension of time to order the transcript rather than trial counsel.

7. This request is made in good faith, and not for purposes of delay.

WHEREFORE, undersigned counsel would respectfully request a thirty-day extension to allow Appellant Custer to return the completed, signed, and notarized affidavit of indigency to our office. Counsel respectfully requests that the time limits for ordering the transcript be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

March 22, 2019

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Sumter County

Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

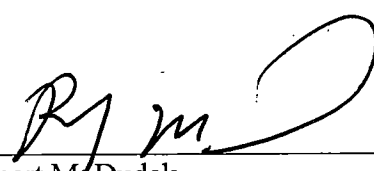
V.

SHAWN DOUGLAS CUSTER,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition for Extension to Order the Transcript in the above referenced case has been served upon J. Ben Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Shawn D. Custer, at 2960 Ben Sanders, Dalzell, SC 29040, this 22nd day of March, 2019.



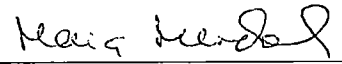
Robert M. Dudek
Chief Appellate Defender

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MAR 22 2019

SC Court of Appeals

SUBSCRIBED AND SWORN TO before me
this 22nd day of March, 2019.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.