

# The South Carolina Court of Appeals

The State, Respondent,

v.

David Harold Campbell, Appellant.

Appellate Case No. 2017-001229

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## ORDER

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This appeal was filed with the Court of Appeals on May 26, 2017. The Division of Appellate Defense requested and received the transcript on August 25, 2017, which was nearly two years ago. On July 15, 2003, the Supreme Court issued an order increasing the thirty-day period for serving and filing the appellant's initial brief and designation of matter under Rule 208, SCACR, to sixty days for direct appeals handled by Appellate Defense. Thus, a first extension was granted to the appellant on October 26, 2017, giving his attorney until November 27, 2017 to file the appellant's initial brief and designation of matter.

On November 7, 2017, a motion to substitute counsel was filed, which suspends the timelines for perfecting the appeal. *See* Rule 240(b), SCACR. The Court granted the motion on December 8, 2017, thus substituting the current attorney for the appellant, and granting a second thirty-day extension. On January 8, 2018, counsel requested a third extension, mentioning for the first time an issue with the transcript on a pretrial motion to suppress.

Meanwhile, counsel requested and received two more extensions, making the appellant's initial brief due on April 9, 2018. After receiving a fourth extension, counsel filed a motion to hold the appeal in abeyance. Counsel's motion to hold the appeal in abeyance was granted on May 9, 2018, for sixty days to allow the circuit court to resolve the appellant's motion to review backup recordings of the trial.

Two months later, counsel filed another motion to hold the appeal in abeyance, indicating she expected to receive copies of the backup recordings in the mail. The State consented to the motion, and the Court extended the time for filing the appellant's initial brief and designation of matter for thirty days. Counsel filed another motion requesting additional time to prepare the appellant's initial brief on August 20, 2018, indicating she received the backup recordings but may need to file further motions with the circuit court regarding the recordings. The Court granted the motion, giving counsel until September 20, 2018, to file her brief.

Three days before the appellant's initial brief was due, counsel filed a third motion to hold the appeal in abeyance, with consent from the State, which was granted on October 24, 2018. Counsel provided status updates, then filed a fourth motion to hold the appeal in abeyance. On March 5, 2019, the Court denied the motion, gave counsel thirty days to file the appellant's initial brief and designation of matter, and indicated no further extensions would be granted absent a showing of extraordinary circumstances.

Counsel filed a sixth motion for an extension of time following the Court's March 5, 2019 order, indicating illness prevented her from completing her brief. She was granted yet another extension, and indeed received a seventh and eighth extension, on the basis of unexpected illness. On July 9, 2019, counsel filed her ninth request for an extension.

More than two years have elapsed since sentencing in this case, and the appellant's initial brief and designation of matter have not been filed. Counsel's motion for an extension is denied. The appellant's initial brief and designation of matter must be filed within thirty days of the date of this order, or the appeal will be dismissed.

  
FOR THE COURT

Columbia, South Carolina

cc:

William M. Blich, Jr., Esquire  
Alan McCrory Wilson, Esquire  
Tara Dawn Shurling, Esquire.

**FILED**

July 16, 2019