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Jan 10 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Edgar W. Dickson, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF JOHN SHELBY WELLS,

APPELLANT.

APPELLATE CASE NO. 2021-000679

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

Counsel for John Wells respectfully requests a **fourth and final thirty (30) day extension until February 9, 2022**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth 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 with the Court today.

2. Counsel for John Wells respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the brief of appellant and record on appeal in the case of The State v. Lavar Anthony Smith with the Court of Appeals on January 4, 2022. Counsel testified at a PCR Hearing held via Web Ex in the case of King Conyers v. State on December 8, 2021.

Counsel filed a petition for rehearing in the case of Allen Stone v. The State with the Court of Appeals on November 18, 2021. Counsel appeared pursuant to a subpoena in a hearing in the PCR case of Vincent Missouri v. State on November 12, 2021. Counsel filed the brief of appellant and record on appeal in the case of The State v. Joshua Rothwell with the Court of Appeals on November 8, 2021.

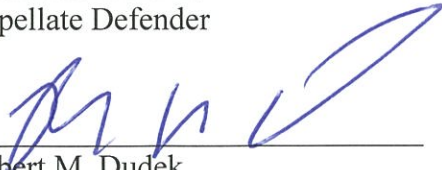
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On December 29, 2021, 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 January 31, 2022.

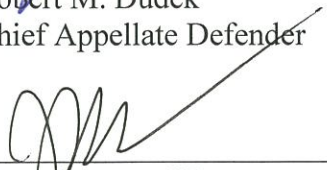
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until February 9, 2022**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,

s/David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/

This 10th day of January, 2022.

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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 Deborah R.J. Shupe, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 10th day of January, 2022.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT