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Feb 14 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Georgetown County

Honorable Steven H. John, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEREMIAH DICAPUA,

APPELLANT.

APPELLATE CASE NO. 2021-000570

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

Counsel for Jeremiah Dicapua respectfully requests a **fourth and final thirty (30) day extension until March 16, 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 Jeremiah Dicapua 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.

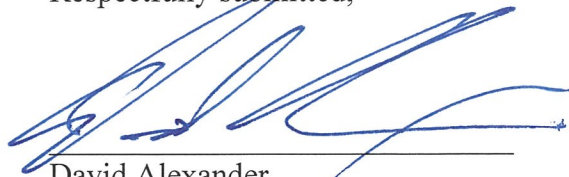
3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of In the Matter of the Care and Treatment of John Shelby Wells with the Court of Appeals on February 9, 2022. Counsel filed a petition for writ of certiorari to the Court of Appeals in Allen Stone v. The State with the Supreme Court on January 28, 2022. Counsel filed the petition for writ of certiorari and accompanying appendix in Edward Britt, Jr. v. The State with the Supreme Court on January 19, 2022. Counsel filed the initial brief of appellant and designation of matter in The State v. Jermaine Demarcus Grier with the Court of Appeals on January 18, 2022. 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.

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.

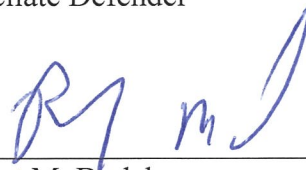
5. On January 31, 2022, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through February 28, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until March 16, 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.

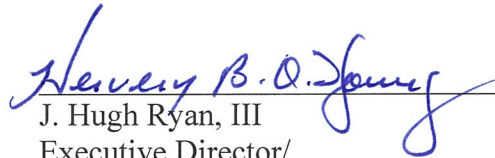
Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 14th day of February, 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 William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 14th day of February, 2022.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT