

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jul 06 2022
SC Court of Appeals

Appeal from Pickens County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JONATHAN RICHARD RACKLEY,

APPELLANT.

APPELLATE CASE NO. 2021-001141

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

Counsel for Jonathan Richard Rackley respectfully requests a **final extension of ten (10) days, from July 6, 2022 until July 18, 2022**, in which to file the initial brief of appellant and designation of matter in this case. **Counsel will file the initial brief of appellant and designation of matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. 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, July 6, 2022. The Court has granted counsel four previous extensions.
2. **Counsel for Jonathan Richard Rackley respectfully submits that he was out of the office due to an illness from Tuesday, June 21st until Thursday, June 30, 2022 and was unable to work on this case or any other time during that extended time period. Therefore,**

extraordinary circumstances due to this extended illness exist, and this warrants 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 will be out of town teaching error preservation at the Public Defense 103 Seminar in Greenville from Wednesday, July 6th, until Friday, July 8th, 2022. Counsel prepared CLE presentations on preserving the record for appeal, transcript review and issue spotting for the Indigent Defense Post-Conviction Relief Training on June 10, 2022. Counsel had an oral argument before the Supreme Court on June 8, 2022, in the case of The State v. David Matthew Carter. Counsel, as lead counsel, filed a petition for a stay of execution in the death penalty case of The State v. Jerome Jenkins, Jr., with the Supreme Court on June 7, 2022. Counsel had an oral argument before this Court on June 7, 2022, in the case of The State v. Malette Denise Kimbrough. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dustin G. Ready with this Court on June 3, 2022. Counsel filed the return to motion to submit amended final brief of respondent in the case of The State v. Bryan Austin Seidle with the Court of Appeals on May 23, 2022, with co-counsel Lara M. Caudy.

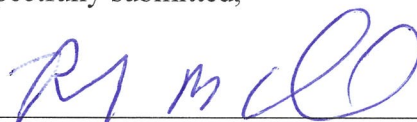
Counsel also has extensive administrative duties as the Chief Appellate Defender.

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.

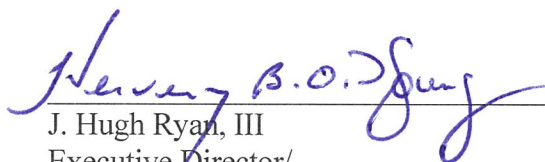
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 31, 2022. That extended, emailed general consent was dated June 30, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final ten (10) day extension from July 6, 2022 until July 18, 2022**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the initial brief of appellant and designation of matter before this deadline if possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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 6th day of July, 2022.

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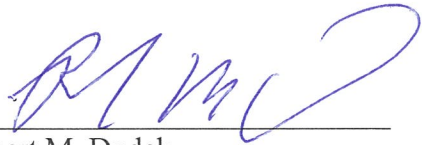
JONATHAN RICHARD RACKLEY,

APPELLANT.

APPELLATE CASE NO. 2021-001141

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy the motion for an extension of time in which to serve and file the initial brief of appellant and designation of matter in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 6th day of July, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

From: [Matthews, Lindsey](#)
To: [SC - BROWN MELODY](#)
Cc: [SC - BROWN ANGELA](#); [Dudek, Robert](#)
Subject: 2021-001141 The State v. Jonathan Richard Rackley
Date: Wednesday, July 6, 2022 8:47:00 AM
Attachments: [2021-001141 The State v. Jonathan R. Rackley - Motion for Fifth Extension.pdf](#)

Attached is a motion for fifth extension which will be filed with the Court of Appeals today in the above-referenced case.

Thank you.

Sincerely,
Lindsey M. Matthews
Administrative Assistant
SC Commission on Indigent Defense
Appellate Division
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P.O. Box 11589
Columbia, SC 29201
Phone: (803) 734-1330