

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Mark Hayes, II, Circuit Court Judge

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JUN 05 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RICKEY HEWINS MACK,

APPELLANT

APPELLATE CASE NO. 2012-213390

MOTION TO FILE THE PETITION FOR EXTENSION
OF TIME TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER OUT OF TIME

Counsel for Rickey Hewins Mack petitions the Court to allow late filing of the petition for a thirty day extension, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case were due to be served and filed on May 24, 2013, having been extended by two prior orders of this Court.
2. *Due to a recent administrative assistant oversight, the filing deadline for this initial brief was not put on Counsel's calendar, and was therefore overlooked.*
3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Wilson Pearson on Tuesday, May 28, 2013. Counsel filed the brief of petitioner in


the case of State v. Eric Dantzler on Monday, May 13, 2013. On Wednesday, May 8, 2013, counsel had an oral argument in the case of State v. Antwan McMillan. On Monday, May 6, 2013, counsel had an oral argument in the case of State v. Travell Hill. On Wednesday, May 1, 2013, counsel filed the Anders brief of appellant and record on appeal in the case of State v. Jacqueline Yvette Sullivan, and the petition for writ of certiorari and accompanying appendix in the case of Johnny Frazier v. State the petition for writ of certiorari and accompanying appendix in the case of Robert L Foster v. State. On Monday, April 29, 2013, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jimmy Littlejohn v. State. On Wednesday April, 24, 2013, counsel filed the brief of petitioner in the State v. Lawrence Burgess. On Monday, April 22, 2013, counsel filed the Anders brief of appellant and record on appeal in the case of State v. Reginald Montgomery. On Thursday, April 18, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Leon Billups v. State. On Tuesday, April 9, 2013, counsel had an oral argument in the case of James Bowers v. State. On Thursday, April 4, 2013, counsel filed the initial brief of appellant and designation of matter in the case of State v. Robin Reese. Additionally, on Thursday, April 4, 2013, counsel had an oral argument in the case of State v. Todd Smith. On Wednesday, April 3, 2013, counsel had an oral argument in the case of State v. Henry Dukes. On Tuesday, April 2, 2013, counsel had an oral argument in the case of State v. Jeffrey Herrman.

4. This request is made in good faith, and not for purposes 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.

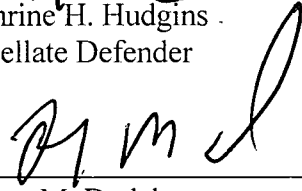
5. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file the petition for a thirty day extension, out of time. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

June 5, 2013

I DO NOT OPPOSE:



RSR Salley W. Elliott