

ORIGINAL



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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

July 29, 2013

RECEIVED

JUL 29 2013

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

SC Court of Appeals

Dear Ms. Kitchings:

In absence of Hugh Ryan, Deputy Attorney and General Counsel for the South Carolina Commission on Indigent Defense, and Patton Adams, Executive Director of the South Carolina Commission on Indigent Defense, and pursuant to instructions from Mr. Ryan, I ask that you accept this cover letter as an attempt to comply with the Court's order dated March 18, 2009, in regard to extension requests.

In the attached motion for an extension of time, Appellate Defender, Kathrine H. Hudgins, seeks a thirty day extension of time to file the initial brief of appellant and designation of matter. Based on that and his extremely heavy case load, as outlined in the motion, he was unable to complete the initial brief of appellant and designation of matter.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lisa Campbell
Assistant Director
South Carolina Commission on
Indigent Defense

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GABRIEL JON RIOS,

APPELLANT

APPELLATE CASE NO. 2013-000493

RECEIVED
JUL 30 2013

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

SC Court of Appeals

The undersigned counsel respectfully requests 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 are due to be served and filed today.

2. On Thursday, July 25, 2013, counsel filed the petition for rehearing in State v. Antwan McMillan. On Friday, July 19, 2013 counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Michael Williams v. State. On Wednesday, July 17, 2013 counsel filed the brief of appellant in the case of State v. Lorenzo Jermaine Inman. On Friday, July 12, 2013 counsel filed the initial brief of appellant and designation of matter in the case of State

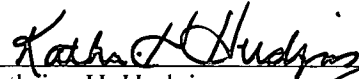
v. Dominique J. Shumate. On Thursday, July 11, 2013, counsel filed the petition for rehearing in State v. Henry Dukes. On Friday, July 5, 2013, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Wendell G. Delarge v. State. On Wednesday July 3, 2013, counsel filed the petition for rehearing in State v. James Bowers. On Friday June, 28, 2013, counsel filed the brief of petitioner in the State v. Joseph Walker. On Thursday, June 27, 2013, counsel filed Johnson petition for writ of certiorari and accompanying appendix in the case of David Heath v. State. On Wednesday, June 5, 2013, counsel had an oral argument in the case of State v. Alirio Ortiz. On Tuesday, June 4, 2013, counsel had an oral argument in the case of State v. Michael Watson. Additionally, On Tuesday, June 4, 2013, counsel had an oral argument in the case of State v. Jerome Watson. 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.

3. 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.


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

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. 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

July 29, 2013

I DO NOT OPPOSE:



Salley W. Elliott