

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Mark Hayes, II, Circuit Court Judge

RECEIVED  
AUG 26 2013  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RICKEY HEWINS MACK,

APPELLANT

APPELLATE CASE NO. 2012-213390

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

The undersigned counsel respectfully requests a **final thirty day extension until September 26, 2013**, 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. **Counsel will file the brief with this Court, if possible, earlier than the thirty (30) day extension requested, and Counsel has discussed the number of extensions in this case with Chief Appellate Defender, Robert Dudek. Counsel expects to file this brief by September 6, 2013, and hopefully even earlier.**

2. Counsel for Mr. Mack respectfully submits that extraordinary circumstances exist

which warrant the granting of an additional extension of time. **Counsel recognizes that the previous extension for this case was a final extension; however, counsel has been unable to complete this initial brief. Counsel acknowledges that a sixth extension request for an initial brief for appellant and designation of matter is in contradiction to the internal rules of this office. Counsel was out sick two days last week and was unable to complete the brief as planned.**

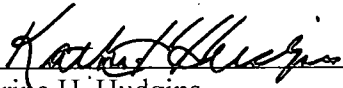
3. On Wednesday, August 21, 2013, counsel filed Johnson petition for writ of certiorari and accompanying appendix in the case of Harold Orr v. State. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Mykel Johnson on Monday, August 19, 2013. Also on Monday, August 19, 2013 counsel filed the initial reply brief in the case of State v. Julio Angelo Hunsberger. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Brandon Green on Wednesday, August 14, 2013. Also on Wednesday, August 14, 2013 counsel filed the petition for writ of certiorari and accompanying appendix in Bobby Pyke v. State. On Tuesday, August 13, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Anthony M. Brown v. State. Counsel filed the brief of petitioner in the case of Stanley Wise v. State on Friday, August 2, 2013. Also on Friday, August 2, 2013 counsel filed the Anders brief of appellant and record on appeal in the case of State v. Joseph Wadell Dunbar. Also on Friday, August 2, 2013 counsel filed the initial brief of appellant and designation of matter in the case of State v. Romeo Brown. Also on Friday, August 2, 2013 counsel filed the Anders brief of appellant and record on appeal in the case of State v. Prentiss Love. On Thursday, July 25, 2013, counsel filed the petition for rehearing in State v. Antwan McMillan. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Butler Gatson on Wednesday, July 24, 2013. 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.

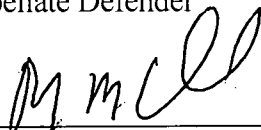
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

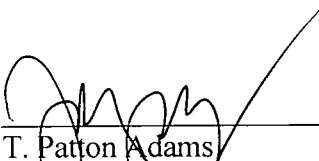
5. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension until September 26, 2013**. 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,

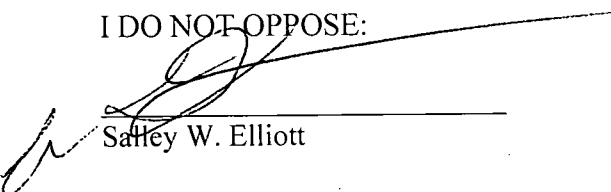
  
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Kathrine H. Hudgins  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

  
\_\_\_\_\_  
T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

August 26, 2013

I DO NOT OPPOSE:

  
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Saffey W. Elliott