

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Richland County

DeAndrea G. Benjamin, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

SEP 18 2013

Court of Appeals

THE STATE,

RESPONDENT,

V.

MELVIN P. STUKES,

APPELLANT

APPELLATE CASE NO. 2012-212628  
\_\_\_\_\_

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

The undersigned counsel respectfully requests a **final thirty day extension, until October 16, 2013**, in which to file the initial brief of appellant and designation of matter in the above referenced case. **Counsel has discussed the number of extensions in this case with Chief Appellate Defender, Robert Dudek. The Appellant, Melvin Stukes, advised that he wished to drop his direct appeal and proceed to PCR. Counsel is in the course of advising Appellant in regard to his decision to drop his direct appeal. Counsel expects to file this initial brief, or the motion to drop the direct appeal by September 30, 2013.** 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 had requested a prior extension that she intended to be the final extension. Counsel is unable to comply with that order due to her current caseload.**

2. **Counsel makes this request in good faith and not for purpose of delay. Counsel respectfully submits that her caseload, as referenced below, constitutes extraordinary circumstances warranting the grant of an additional extension of time for counsel to ethically represent her clients and to protect their rights on appeal.** 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.

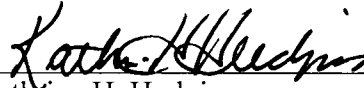
3. On Friday, September 13, 2013, counsel filed the petition for rehearing in State v. Alirio Ortis. On Thursday, September 12, 2013, counsel filed the petition for rehearing In the Interest of Justin B., a minor under the age of seventeen. On Wednesday, September 11, 2013, counsel had an oral argument in the case of State v. Robert M. Jones. On Tuesday, September 10, 2013, counsel had an oral argument in the case of State v. Frankie Lee McGee. On Monday, September 9, 2013, counsel filed the initial brief of appellant and designation of matter in the case of State v. Frederick R. Chappell. On Tuesday, September 3, 2013, counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of D'el Grant v. State. 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.

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

Based on the above, the undersigned counsel respectfully requests a **final thirty day extension, until October 16, 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,



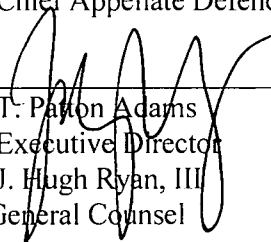
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Kathrine H. Hudgins  
Appellate Defender  
E-Mail: [khudgins@sccid.sc.gov](mailto:khudgins@sccid.sc.gov)  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201  
(803) 734-1343



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Robert M. Dudek  
Chief Appellate Defender

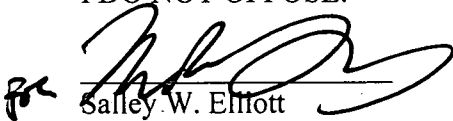


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T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

September 16, 2013

I DO NOT OPPOSE:



Salley W. Elliott