

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
R. Lawton McIntosh, Circuit Court Judge

ORIGINAL

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SEP 27 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GABRIEL JON RIOS,

APPELLANT

APPELLATE CASE NO. 2013-000493

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 28, 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.

2. On Wednesday, September 25, 2013 counsel filed the initial brief of appellant and designation of matter in the case of State v. Rickey Hewins Mack. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Jessica Beockete Moore on Monday, September 23, 2013. On Tuesday, September 17, 2013, counsel had an oral argument in the case of State v. Wesley Smith. On Friday, September 13, 2013, counsel filed the petition for rehearing in

The 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. 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.

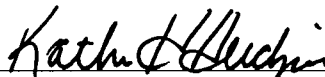
3. This request is made in good faith, and not for purposes of delay. Counsel intends to

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.

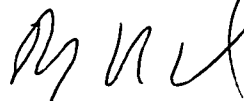
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until October 28, 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,



Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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

September 28, 2013

I DO NOT OPPOSE:



Salley W. Elliott