

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Spartanburg County

R. Lawton McIntosh, Circuit Court Judge

RECEIVED
OCT 28 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 November 27, 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 Monday, October 21, 2013, counsel filed the initial brief of appellant and designation of matter in the case of State v. James Roscoe Scofield. On Wednesday, October 16, 2013, counsel had an oral argument in the South Carolina Supreme Court in the case of State v. Lawrence Burgess. On Wednesday, October 9, 2013, counsel filed petition for writ of certiorari and accompanying appendix in the case of Phillips Watts v. State, also on Wednesday October 9, 2013,

Counsel filed the brief of appellant pursuant to White v. State in State v. Phillips Watts. 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. Counsel attended the Public Defender Conference in Myrtle Beach, South Carolina on September 23rd and 24th of 2013. On Friday, September 20, 2013, counsel attended the Gideon Conference in Charleston, South Carolina. On Tuesday, September 17, 2013, counsel had oral argument in this Court 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 South Carolina Court of Appeals in the case of State v. Robert M. Jones. On Tuesday, September 10, 2013, counsel had an oral argument in the South Carolina Court of Appeals 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.

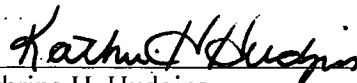
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

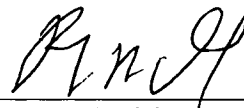
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.


WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until November 27, 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,

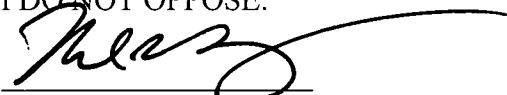


Kathrine H. Hudgins
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


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

October 28, 2013

I DO NOT OPPOSE:


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Salley W. Elliott