

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Spartanburg County

R. Lawton McIntosh, Circuit Court Judge

RECEIVED

NOV 25 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 December 27, 2013**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. **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 December 17, 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 on **Wednesday, November 27, 2013. Unfortunately, due to counsel having five oral arguments in the month of November and one oral argument scheduled for December 5, 2013, counsel needs a final extension.**

2. On Thursday, December 5, 2013 counsel has an Oral Argument in the South Carolina Supreme Court in the case of State v. Donta Kevon Reid. Counsel needs time to adequately prepare for this argument before leaving for a planned family vacation out of the country. On Friday, November 22, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. James Bowers. On Wednesday, November 20, 2013, counsel filed the initial brief of appellant and designation of matter in the case of State v. Bronson Shelley. On Tuesday, November 19, 2013, counsel had an oral argument in the South Carolina Supreme Court in the case of State v. Eric Dantzler. On Thursday, November 14, 2013, counsel filed the petition for rehearing in the cases of State v. Wesley Smith. On Wednesday, November 13, 2013, counsel filed Johnson petition for writ of certiorari and accompanying appendix in the case of Kenny Jackson v. State. On Wednesday, November 13, 2013, counsel had an oral argument in the South Carolina Court of Appeals in the case of State v. Ted Abney. And also on Wednesday, November 13, 2013, counsel had an oral argument in the South Carolina Court of Appeals in the case of State v. Antrell Felder. On Tuesday, November 12, 2013, counsel had an oral argument in the South Carolina Court of Appeals in the case of State v. Roderick Bradley. On Monday, November 4, 2013, counsel filed the initial brief of appellant and designation of matter in the case of State v. James Carrier. On Tuesday, November 3, 2013, counsel had an oral argument in the South Carolina Court of Appeals in the case of State v. Ronald Black. On Thursday, October 31, 2013, counsel filed the petition for rehearing in the cases of State v. Robert Jones. 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.

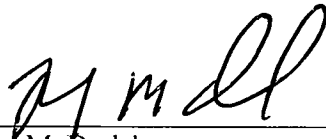
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

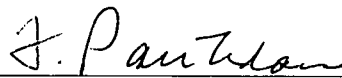
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

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

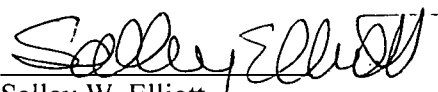
  
Kathrine H. Hudgins  
Appellate Defender

  
Robert M. Dudek  
Chief Appellate Defender

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

November 25, 2013

I DO NOT OPPOSE:

  
Salley W. Elliott