

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Spartanburg County

Roger L. Couch, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

JAN 21 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RANDALL DEAN MATHENY,

APPELLANT

Appellate Case No. 2013-001924  
\_\_\_\_\_

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

The undersigned counsel would respectfully request a thirty-day extension 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 exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by two prior orders of this Court.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Thomas Outing v. State of South Carolina with the Supreme Court on January 16, 2014. Counsel filed the brief of respondent in the case of Chico Bell v. State of South Carolina with this Court on January 16, 2014. Counsel filed the

Anders brief of appellant in the case of State v. Johnny Longworth in this Court on January 14, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Nathaniel B. Beeks in this Court on January 13, 2014. Counsel filed the brief of respondent in the case of State v. Bentley Collins in the Supreme Court on January 10, 2014. Counsel argued in the case of State v. Malik Matthews in this Court on January 7, 2014. Counsel filed the brief of appellant in the case of State v. Christopher Jerome Shippy in this Court on January 6, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Eric Mance v. State in the Supreme Court on January 3, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Adam Lee Berard v. State in the Supreme Court on December 31, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Curtis J. Simms in the Supreme Court on December 27, 2013. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. Jimmy Lee Duncan in this Court on December 17, 2013. Counsel attended a motion for reconsideration of sentence hearing in the case of State v. Luther Norris on December 5, 2013 in Kershaw County before the Honorable Clifton Newman. This Court ordered Mr. Norris's case remanded for disposition of the pending motion. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Orlando Smith v. State in this Court on November 27, 2013. Counsel filed the return to petition for writ of certiorari in the case of Horace Abney, Jr. v. State in the Supreme Court on November 25, 2013. Counsel filed brief of petitioner in the case of Michael Gonzales v. State on November 22, 2013 in this Court. Counsel filed the petition for writ of certiorari in the case of State v. Bobby Alexander Gilbert in the Supreme Court on November 18,

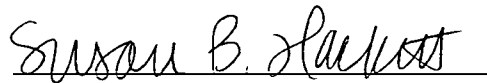
2013. Counsel argued in the case of State v. Davontay Henson in the Supreme Court on November 6, 2013.

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

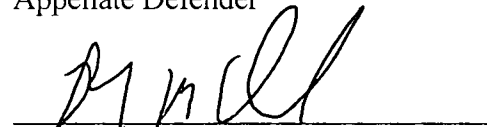
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the initial brief of appellant and designation of matter in this case. Counsel 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,



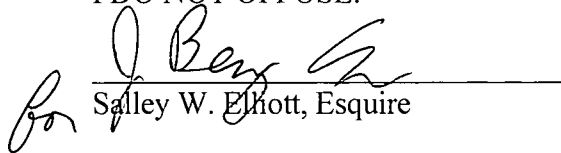
Susan B. Hackett  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

January 21<sup>st</sup>, 2014

I DO NOT OPPOSE:

  
Salley W. Elliott, Esquire