

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

John C. Hayes III, Circuit Court Judge

RECEIVED

JAN 22 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

FRED COLE JR,

APPELLANT

APPELLATE CASE NO. 2013-001139

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

The undersigned counsel respectfully requests a **final thirty day extension, until February 21, 2014**, 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. Counsel filed the Reply Brief of Appellant in the case of State v. Curtis Simms with co-counsel David Alexander in the Supreme Court on Friday, January 17, 2014. Counsel filed the Return to Petition for Writ of Certiorari in the case of In the Interest of Brandon M., A Juvenile Under the Age of Seventeen on January 14, 2014 in the Supreme Court. Counsel filed a

Reply Brief of Respondent in the case of State v. John Edward Weik, a death penalty case in the Supreme Court on January 10, 2014. Counsel had an oral argument in the case of State v. Michael Rogers in this Court on January 7, 2014. Counsel is working on State v. William Pou and State v. William Pearson where the brief of appellant is due in this Court on Monday, January 27, 2014. Counsel filed the brief of appellant in the case of State v. Curtis Simms in the Supreme Court on December 27, 2013. Counsel had an oral argument in the case State v. Nicholas Brannon on December 16, 2013 in this Court. Counsel filed an initial brief of appellant in the case of State v. Albert Brandeberry on December 11, 2013 in this Court. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kevin Gunter v. State on November 27, 2013 in the Supreme Court. Counsel filed the initial reply brief of appellant in the case of State v. Bobbie McCann in this Court on November 26, 2013. Counsel filed the initial brief of appellant in the case of State v. Arthur James Buie in this Court on November 22, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Manual Antonio Marin (in the COA) with co-counsel David Alexander in the Supreme Court on November 21, 2013. Counsel had an oral argument in the case of State v. Beulah Butler in the Supreme Court on November 20, 2013. Counsel filed the return to the petition for writ of certiorari in the case of Sharon Smith v. State in the Supreme Court on November 15, 2013. Counsel filed the return to the petition for rehearing in the case of State v. Steven Barnes, a death penalty case in the Supreme Court on November 14, 2013. Counsel had an oral argument in the case of State v. Jamaal Hinson with co-counsel Reid T. Sherard of Nelson Mullins in this Court on November 14, 2013. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

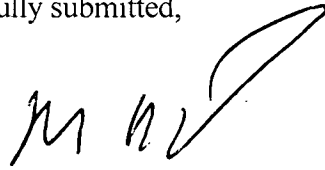
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will

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.

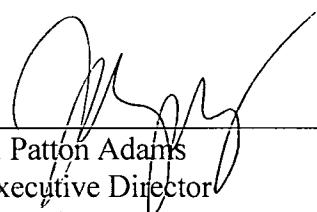
WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension until February 21, 2014**. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

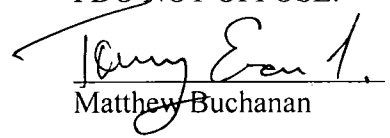


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T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

January 22, 2014

I DO NOT OPPOSE:



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Matthew Buchanan