

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

AUG 01 2014

Appeal from Greenville County  
C. Victor Pyle, Jr., Circuit Court Judge

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

RYAN P. DELESTON,

APPELLANT

APPELLATE CASE NO. 2013-002224

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

Counsel for Ryan P. Deleston respectfully requests an extension of thirty (30) days, **until September 1, 2014**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today.
2. Counsel for Ryan P. Deleston respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel filed the petition for writ of certiorari and accompanying appendix with co-counsel, Reid T. Sherard in the case of The State of South Carolina v. Jamaal Hinson with the

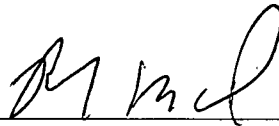
Supreme Court on July 29, 2014. Additionally, counsel filed the petition to exceed twenty-five page limit for a petition for writ of certiorari in the case of The State of South Carolina v. Jamaal Hinson with the Supreme Court on July 29, 2014. Counsel also filed the return to petition for writ of certiorari in the case of James E. Waiters v. State of South Carolina with the Supreme Court on July 28, 2014. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of In The Matter of the Care and Treatment of Patrick Guess with the Supreme Court on July 23, 2014. Counsel also filed the petition for rehearing with co-counsel Charles Grose, Jr. and Shane E. Goranson in the case of State v. Anthony Nation with the Supreme Court on July 17, 2014. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of Daryl L. Gray v. State with the Supreme Court on July 14, 2014. Counsel also filed the initial brief of appellant and designation of matter in the case of State v. Harold Cartwright with this Court on July 11, 2014. Counsel also filed a motion to vacate convictions, remand for a new trial and to dismiss the appeal in the case of State v. Christina Reece, with this Court on July 3, 2014. Counsel also had an oral argument in the case of State v. Richard Niles Jr. in the Supreme Court on June 25, 2014. Counsel also filed the brief of petitioner in the case of State v. Christopher Heller in the Supreme Court on June 23, 2014. Counsel also filed the initial brief of appellant and designation of matter in the case of State v. Joseph Walker with this Court on June 13, 2014. Counsel also had an oral argument in the case of State v. Darian Robinson in the Supreme Court on June 12, 2014. Counsel also filed the petition for rehearing in the case of State v. Bayan Aleskey, a death penalty case with the Supreme Court, on June 6, 2014. Counsel also filed the initial brief of appellant and designation of matter in the case of State v. Anthony C. Johnson with this Court on June 4, 2014.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel is working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extension in the future.

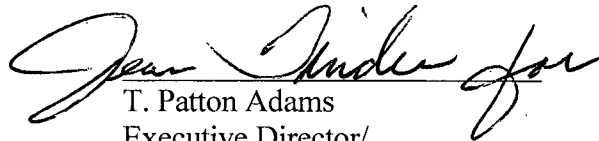
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until September 1, 2014**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



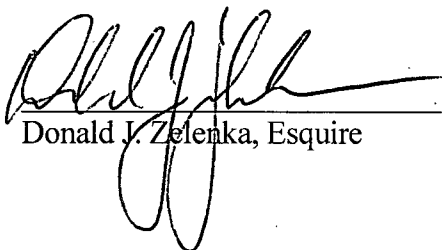
Robert M. Dudek  
Chief Appellate Defender



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

This 1<sup>st</sup> day of August, 2014.

I consent:



Donald J. Zelenka, Esquire

ORIGINAL



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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

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**SC Court of Appeals**

August 1, 2014

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Dear Ms. Kitchings:

In absence of Hugh Ryan, Deputy Attorney and General Counsel for the South Carolina Commission on Indigent Defense, and Patton Adams, Executive Director of the South Carolina Commission on Indigent Defense, and pursuant to instructions from Mr. Ryan, I ask that you accept this cover letter as an attempt to comply with the Court's order dated March 18, 2009, in regard to extension requests.

In the attached motion for an extension of time, Chief Appellate Defender, Robert M. Dudek, seeks a thirty-day extension of time to file the initial brief of appellant and designation of matter. Based on that and his extremely heavy case load, as outlined in the motion, he was unable to complete the initial brief of appellant and designation of matter.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Jean Tinder  
Administrative Coordinator  
South Carolina Commission on  
Indigent Defense