

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

AUG 27 2014

Appeal from Charleston County

Stephanie P. McDonald, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES ROSE,

APPELLANT

APPELLATE CASE NO. 2013-002750

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

The undersigned counsel would respectfully request a **final** 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 four prior orders of this Court.
2. Counsel has a reconstruction hearing scheduled for August 28, 2014 at the Richland County Courthouse before the Honorable L. Casey Manning in the case of State v. Michael Hockaday. Counsel has been preparing for this hearing since notification of

its scheduling. Additionally, on August 20, 2014, Counsel has been working on Michael D. Hall v State, a case in the original jurisdiction of the South Carolina Supreme Court, which has been set on a expedited briefing schedule.

3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Simmons, Jr. in this Court on August 20, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Fred R. Rutland v. State in the Supreme Court on August 18, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Walter M. Bash in this Court on August 8, 2014. Counsel filed the Return to petition for writ of certiorari to this Court in the case of State v. Julia Gorman in the Supreme Court on August 6, 2014. Counsel filed the brief of petitioner in the case of Edward Andrell Whitner v. State in this Court on August 4, 2014. Counsel filed the Anders brief of Appellant and designation of matter along with the Record on Appeal in the case of State v. Dayton Frinks in this Court on July 29, 2014. Counsel filed the petition for rehearing in the case of State v. Clarence Williams Jenkins in this Court on July 24, 2014. Counsel filed the petition for writ of certiorari to this Court in the case of State v. David Gerrard Johnson with the Supreme Court on July 17, 2014. Counsel filed the Anders brief of appellant and designation of matter along with the Record on Appeal in the case of State v. Derrick Ladon Clark in this Court on July 17, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Dantonyo Heath in this Court on July 10, 2014. Counsel filed the petition for writ of certiorari to this Court in the case of State v. Jeffrey Dodd Thomas, with the Supreme Court on July 10, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kwaun Ka'Shawn Peay v. State in

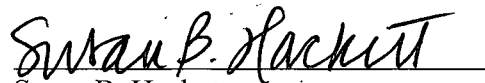
the Supreme Court on July 7, 2014. Counsel filed the petition for writ of certiorari to this Court in the case of State v. Julia Gorman with the Supreme Court on July 7, 2014. Counsel filed the petition for writ of certiorari in the case of State v. Quashon Middleton with the United States Supreme Court on July 1, 2014. Counsel filed the brief of petitioner in the case of Orlando Smith v. State with this Court in July 1, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jaymes M. Woods v. State with the Supreme Court on June 30, 2014.

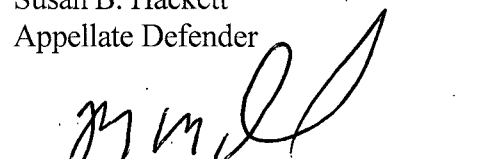
4. This request is made in good faith, and not for purposes of delay.

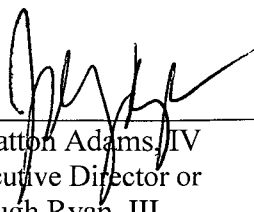
5. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final** thirty-day extension in which to file the initial brief of appellant and designation of matter in this case. Counsel will endeavor to prepare and file the initial brief of appellant and designation of matter within a shorter period of time than the thirty days requested. 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

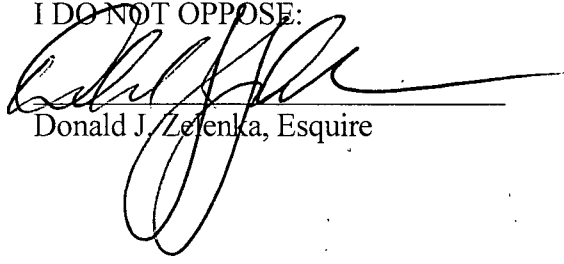


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T. Patton Adams, IV  
Executive Director or  
J. Hugh Ryan, III  
General Counsel

August 27, 2014

I DO NOT OPPOSE:



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Donald J. Zelenka, Esquire