



DEC 29 2014

S.C. Supreme Court

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RICKY LEE BLACKWELL,

APPELLANT.

APPELLATE CASE NO. 2014-000610

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

Counsel for Ricky Lee Blackwell respectfully requests an extension of thirty (30) days, **until January 28, 2015**, in which to file the initial brief of appellant and designation of matter in this **death penalty** case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter were due to be served and filed with the Court today.

2. Counsel for Ricky Lee Blackwell respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time, **including the**

recent health problems of co-counsel David Alexander as chronicled below. Co-counsel, David Alexander is a critical participant in this appeal.

3. Counsel, Chief Appellate Defender Robert M. Dudek **has extensive administrative duties as the Chief Appellate Defender, including oversight responsibilities for the ongoing Appellate Project which is now in its second year.** Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Torren Marquize Eady with the Court of Appeals on December 22, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Rodney Thompson v. State of South Carolina with this Court on December 19, 2014. Counsel filed the brief of petitioner in the case of The State v. Charles Monroe Harris with this Court on December 18, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Martha Elizabeth Hale with the Court of Appeals on December 16, 2014. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Marcus Greene with the Court of Appeals on December 12, 2014. Counsel had an oral argument in the case of The State v. Derrick McDonald before this Court on December 11, 2014. Counsel also filed the brief of petitioner in the case of The State v. South Carolina v. Manuel Marin with co-counsel David Alexander with this Court on December 11, 2014. Counsel had an oral argument in the case of Michael D. Hall v. State of South Carolina, et al. before this Court on December 9, 2014. Counsel had an oral argument in the case of Michael A. Hough v. The State which he assisted Appellate Defender Lara Caudy in preparing to argue for him before the Court of Appeals on December 8, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tommy Toomer v. State of South Carolina with this Court on December 8, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Laborse Macon with the Court of

Appeals on December 5, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Michael Rogers with this Court on December 4, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Jefferson Perry with this Court on December 4, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Anthony K. Blakney with this Court on December 4, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ryan P. Deleston with the Court of Appeals on December 3, 2014. Counsel filed the petition for rehearing in the case of The State v. Antonio Miller with the Court of Appeals on December 1, 2014. Counsel filed the United States certiorari petition in the case of Bayan Aleksey v. State of South Carolina on November 24, 2014. Counsel filed the petition for writ of certiorari in the case of Richard Keith Poe v. State of South Carolina with this Court on November 21, 2014. Counsel was subpoenaed, and attended a PCR Hearing on November 18, 2014 in Richland County in the case of Quincy Jovan Allen v. The State. Counsel gave a presentation at the Summary Judge's Conference on November 7, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Bradley Gerald Mullins with the Court of Appeals on November 4, 2014. Counsel filed a petition for stay of execution in the case of The State v. Richard Moore with this Court on October 31, 2014. Counsel presented the Appellate Project CLE on October 30, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Victor White with this Court on October 30, 2014.

4. Co-Counsel David Alexander on November 20, 2014 had in-patient oral surgery and had complications which have caused him to miss significant time at work. That surgical site later became infected, which is extremely painful and co-counsel has

unable to complete his responsibilities in the briefing process as outlined by the Chief Appellate Defender. Counsel filed the brief of petitioner in the case of State v. Manuel Antonio Marin with this Court on December 11, 2014. Counsel had an oral argument in the case of Michael D. Hall v. State of South Carolina in this Court on December 9, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Thomas Earnest Webb v. State of South Carolina with this Court on November 19, 2014. Counsel filed the brief of appellant in the case of State v. Joshua A. Reed with the Court of Appeals on November 13, 2014. Counsel filed the brief of appellant in the case of State v. Shawn William Sharpe with the Court of Appeals on November 12, 2014. On November 7, 2014, counsel spoke at a Seminar for South Carolina Magistrate Judges. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jamar Lavert Belk v. State of South Carolina with this Court on November 4, 2014. Counsel was a speaker during the group sessions for the Appellate Practice Project on October 30, 2014.

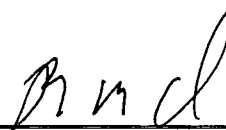
5. Both attorneys make this request in good faith and not for purpose of delay. Both attorneys are working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extensions in the future.

6. 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 January 28, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel would respectfully request that this Court give all due consideration to not making this a "no further extension" order given co-counsel's health problems, the complexity of the issues involved,**

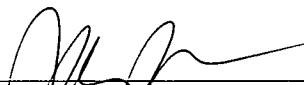
and the 4,751 pages of transcript and exhibits involved. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

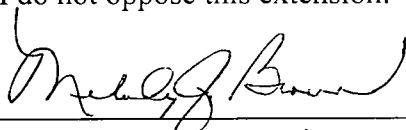
David Alexander
Appellate Defender



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

This 29th day of December, 2014.

I do not oppose this extension:



Melody J. Brown, Esquire