

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Newberry County
Honorable Donald B. Hocker, Circuit Court Judge

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AUG 11 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KENNY OCTAVIOUS RUFF,

APPELLANT

Appellate Case No. 2017-000136

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

Counsel for Kenny Octavious Ruff respectfully requests an extension of thirty (30) days, **until September 11, 2017**, 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. This is a third request for an extension. 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 Kenny Octavious Ruff respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel filed the initial reply brief of appellant in the case of The State v. John M. Ghent, Jr. with this Court on August 10, 2017. Counsel filed the initial brief of appellant and

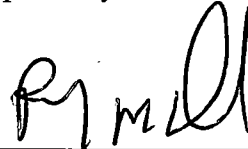
designation of matter in the case of The State v. Kevin Lee Boyter with this Court on July 26, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Crystal Garner with this Court on July 26, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Wallace Eugene Evatt, Jr. v. The State with the Supreme Court on July 24, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kasey Marie Gilbert with this Court on July 18, 2017. Counsel filed the brief of appellant pursuant to White v. State and the petition for writ of certiorari in the case of Shonta Helton v. The State with the Supreme Court on July 14, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Joshua Griffith with the Supreme Court on July 5, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tekysha Cohen with this Court on June 30, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jayquan Wilmore with this Court on June 29, 2017. Counsel filed the return to motion to stay the scheduling of a petition and return until consideration and ruling on petitioner's Rule 243(C), SCACR explanation in the death penalty case of Brad Keith Sigmon v. The State with the Supreme Court on June 23, 2017. Counsel filed the petition for stay of execution in the death penalty case of The State v. Ricky Lee Blackwell with the Supreme Court on June 15, 2017. Counsel filed the motion to unseal the briefs and the record on appeal in the death penalty case of The State v. Ricky Lee Blackwell with the Supreme Court on June 15, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jacob Michael Hendricks with this Court on June 14, 2017. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight.**

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 extensions in the future.

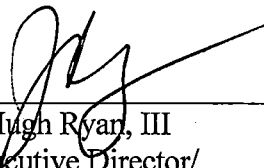
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until September 11, 2017**, 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,



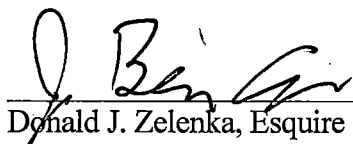
Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 11th day of August, 2017.

I consent:


for Donald J. Zelenka, Esquire