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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Certiorari to Newberry County

Donald B. Hocker, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

ORIGINAL  
RECEIVED  
OCT 11 2017  
SC Court of Appeals  
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 a **final extension of thirty (30) days, until November 10, 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. 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. The Court has granted counsel four previous extensions.
2. Counsel for Kenny Octavious Ruff respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the



number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

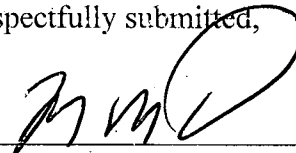
3. Counsel is preparing to file the initial brief of appellant and designation of matter in the murder case of The State v. Deshanndon Markelle Franks with this Court on Friday, October 13, 2017. Counsel is doing research for the petition for writ of certiorari to the Supreme Court of the United States in the death penalty case of The State v. Ricky Lee Blackwell due October 27, 2017. Counsel prepared a CLE presentation on the case law update for the Public Defender Convention in Myrtle Beach, South Carolina for September 25, 2017. Counsel also prepared two presentations for the Post-Conviction Relief workshop that was held on Friday, September 29, 2017 at the office of the Commission on Indigent Defense. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Shannon Scott with the Supreme Court September 21, 2017. Counsel filed the brief of petitioner in the case of The State v. James Scott Cross with the Supreme Court on September 15, 2017. Counsel filed the petition for rehearing in the case of The State v. Robert Lee Moore with this Court on September 14, 2017. Counsel filed the petition for writ of certiorari in the case of Alfonzo J. Howard v. The State with the Supreme Court on September 8, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Edward Primo Bonilla with this Court on September 1, 2017. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Shannon Scott with the Supreme Court on August 18, 2017. Counsel filed the petition for writ of certiorari in the case of Raphael Wooden v. The State with the Supreme Court on August 18, 2017. **Counsel has extensive administrative duties as the Chief Appellate Defender.**

4. Counsel makes this request in good faith and not for purpose 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.

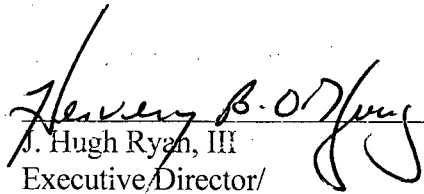
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until November 10, 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,



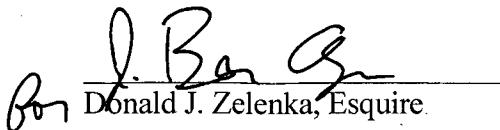
Robert M. Dudek  
Chief Appellate Defender



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 October 2017.

I consent:



Donald J. Zelenka, Esquire.