

4th AFB due 10/20/17

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Roger M. Young, Circuit Court Judge

RECEIVED

OCT 20 2017

RESPONDENT
SC Court of Appeals

THE STATE,

v.

CARLOS A. RUIZ,

APPELLANT

Appellate Case No. 2017-000214

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

Counsel for Carlos A. Ruiz respectfully requests an extension of **thirty (30) days, until November 20, 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 fourth 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. The Court has granted counsel three previous extensions.
2. Counsel for Carlos A. Ruiz 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.

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3. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Deshamndon Markelle Franks with this Court on 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 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 in late October, 2017. 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 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.

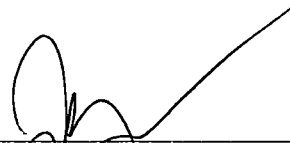
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, until November 20, 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 20th day of October, 2017.

I consent:



J. Benjamin Aplin, Esquire