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MAY 30 2018

SC Court of Appeals

Donald Michael Mathison

Attorney at Law

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May 29, 2018

Via Facsimile

The Honorable Daniel E. Shearouse
Clerk of Court for the South Carolina
Supreme Court
1231 Gervais St.
Columbia, SC 29201
(803) 734-1499

The Honorable Jenny Abbott Kitchings
Clerk of Court for the South Carolina
Court of Appeals
1220 Senate Street
Columbia, SC 29201
(803) 734-1839

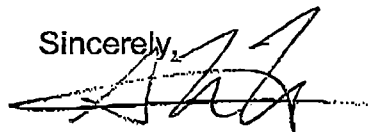
Re: The State of South Carolina v. Denzel Marquise Heyward
Appellate Case No. 2015-000709; Opinion No. 5537

Dear Mr. Shearhouse and Ms. Allen,

Please accept this letter as a request for an extension of time to file the Petition for Writ of Certiorari in the case referenced above. A final decision on the Petition for Rehearing was issued in this matter on April 26, 2017. The final day for filing would be today.

I understand that the Court has strict rules on granting extensions of time for filing Petitions for Writs of Certiorari. I was appointed to this case pursuant to the Appellate Practice Project (Order of Appointment enclosed) and my appointment remained in effect until any petition for rehearing was ruled upon by the Court of Appeals. I am requesting an extension of ten days to coordinate any ongoing representation in this matter with Appellate Defense, in accordance with motion supporting my order of appointment.

Sincerely,



D. Michael Mathison

Cc: J. Clayton Mitchell, III, Esq.
Alan M. Wilson, Esq.
Robert M. Dudek, Esq.

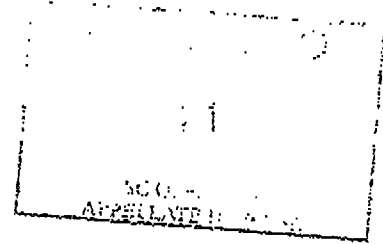
The South Carolina Court of Appeals

The State, Respondent,

v.

Denzel Heyaward, Appellant.

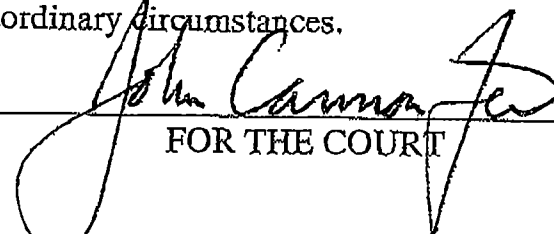
Appellate Case No. 2015-000709



ORDER

The motion of the Division of Appellate Defense to appoint Donald Michael Mathison as co-counsel for the purpose of preparing the briefs and record and arguing the case before this court in accordance with the conditions set forth in the motion and the terms of the 2015 Appellate Practice Project is granted.

The due date for Appellant's initial brief is January 11, 2016. That deadline will not be extended except under extraordinary circumstances.

 C.J.
FOR THE COURT

Columbia, South Carolina

cc:

- Salley W. Elliott, Esquire
- Alan McCrory Wilson, Esquire
- Susan Barber Hackett, Esquire
- Donald Michael Mathison, Esquire

FILED

October 21, 2015

The South Carolina Court of Appeals

The State, Respondent,

v.

Denzel Heyaward, Appellant.

Appellate Case No. 2015-000709

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OCT 19 2015

SC Court of Appeals

MOTION TO APPOINT COUNSEL

The South Carolina Commission on Indigent Defense, Division of Appellate Defense, represents Appellant in this appeal. Pursuant to the 2015 Appellate Practice Project, conducted with the approval of the Chief Justice, the Chief Judge of the Court of Appeals, and the South Carolina Bar, the Division of Appellate Defense moves to have Donald Michael Mathison appointed as lead counsel for Appellant. Chief Appellate Defender Robert M. Dudek will remain as co-counsel. The terms of participation in the Appellate Practice Project require that the appointment be made under the following conditions:

- The appointed attorney will serve pro-bono. No travel, research, printing or other costs will be reimbursed by the Commission without the prior written approval of Patton Adams, Hugh Ryan, III, or Robert M. Dudek.
- The appointed attorney will be responsible for preparing the briefs and Record on Appeal and delivering them to the Appellate Division for printing and filing no later than one week before the due date. The initial brief, any initial reply brief, the Record on Appeal, and the final briefs must be "file ready" when delivered to the Appellate Division for printing (this includes a complete table of authorities, certificate of service, and designation of matter to be included in the Record on Appeal. The Record on Appeal must also be numbered and redacted. The cover page of each brief and the Record on Appeal must contain the names, addresses and phone numbers of the Chief Appellate Defender, and the appointed attorney.
- The attorney assigned will be responsible for arguing the case before the South Carolina Court of Appeals.

- The appointment will remain in effect until any petition for rehearing is ruled upon by the Court of Appeals. Any decision to seek discretionary review from the Supreme Court should be made in conjunction with the Chief Appellate Defender. However, representation will remain on a pro bono basis.
- The appointed attorney must attend and participate in "Presenting Criminal Cases to the Court of Appeals," a CLE seminar presented by the South Carolina Bar on October 27, 2015, unless excused in advance by the Division of Appellate Defense. The appointed attorney agrees to have read the transcript prior to the CLE.
- The appointed attorney will receive one Rule 608, SCACR, credit for their pro bono representation for the year beginning July 1, 2015, and ending on June 30, 2016. The appointed attorney is responsible for presenting the appointment order to the applicable clerk of court.
- In the event of a post-conviction relief case alleging ineffective assistance of appellate counsel, at the request of the State or the applicant, the appointed attorney must make their files available as required by the rules of court, and attend any hearing scheduled to resolve the claim.

Respondent consents to this motion.



ROBERT DUDEK

Columbia, South Carolina

cc:

Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
Susan Barber Hackett, Esquire
Donald Michael Mathison, Esquire

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RICHLAND COUNTY REENTRY PROGRAM

MAY 30 2018

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COLUMBIA, SC 29201

SC Court of Appeals

FAX TRANSMITTAL SHEET

TO: S.C. Supreme Ct. S.C. Ct. of Appeals.
(803) 734-1499 (803) 734-1839

FROM: D. Michael Mathison, Reentry Attorney

DATE: 5/29/2018

RE: State v. Denzel Heyward App. Case No 2015-00709

Total Pages Including Cover: 5 Opinion No 5537

Notes: Please see the letter attached.

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