

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Charleston County  
The Honorable Deadra L. Jefferson, Circuit Court Judge

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THE STATE,

Respondent,

v.

RICKY ANTHONY SHORT,

Appellant.

Appellate Case No. 2018-000782

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**RECEIVED**  
SEP 09 2019  
SC Court of Appeals

**MOTION FOR FOURTH EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. Opposing counsel, Robert Dudek, Esquire, has graciously consented to the request. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief is due today, Monday, September 9, 2019 as per this Court's Order dated August 12, 2019 granting Respondent's third extension request. The undersigned attorney for the Respondent has been actively working on this brief, reviewing evidence from the trial regarding an issue raised by Appellant, and has completed a majority of the Initial Brief of Respondent, but has had a number of state and federal matters to attend since August 10, 2019 that have prevented Respondent from completing the Initial Brief of Respondent. Specifically,

1. Counsel for Respondent has been out of the office on medical leave and is on a reduced work schedule due to a continuous and on-going health condition. Counsel has been approved for transplant and placed on the transplant waiting list at Duke University Medical Center, Durham, North Carolina for a heart and kidney transplant. Counsel was out of the office for part of the day **on Tuesday, September 3, 2019** for a Hepatitis B shot which is part of the protocol for transplant. Counsel was also out of the office **on Thursday, September 5, 2019** for an appointment in Charlotte, N.C. at the Carolinas Medical Center (CMC) for treatment of an infection due to the same or related on-going health condition.

2. Counsel prepared and filed Respondent's Reply to Petitioner's Response to Motion for Summary Judgment in London Wooden, #357930 vs. Warden, Perry Correctional Institution, C/A No. 4:19-927-RMG-TER (Federal Habeas Corpus) filed **August 30, 2019**;

3. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in Kevin Herriot v. Wayne McCabe, C/A No. 6:19-cv-803-DCN-KFM (Federal Habeas Corpus) filed on **September 3, 2019**;

4. Counsel assisted in drafting the Brief of Respondent in the Fourth Circuit Court of Appeals in Freddie Owens v. Warden (Capital Federal Habeas Corpus) filed **August 23, 2019**;

5. Counsel prepared and filed the Respondent's Reply to the Response to Motion for Summary Judgment and Return in Joel Robinson v. Warden, Perry Correctional Institution, C/A.: 4:19-928-RMG-TER (Federal Habeas Corpus) [Murder, ABWIK] filed **on September 4, 2019**;

6. Counsel prepared and filed the Response to Motion to Appoint Counsel in Sipes v. Warden, 8:18-cv-02842-DCC-JDA (Federal Habeas Corpus) **on August 15, 2019**;

7. Counsel filed the Return and Memorandum of Law in Alonzo Jeter v. Warden, 2:19-cv-1945-MGL-MGB (Federal Habeas Corpus) on **September 9, 2019**;

8. Counsel assisted in the drafting of the Petition for Writ of Certiorari in the United States Supreme Court in Seay v. South Carolina (Federal Habeas Corpus)[Murder] filed on **September 3, 2019**;

9. Counsel is preparing the Reply to Petitioner's Amended Objections to the Report and Recommendation of the Federal Magistrate Judge in Dennis Temple v. Warden, due today, **September 9, 2019**;

9. Counsel has also been working on other responsive briefs to be filed in this Court

10. Counsel has been involved in working on other matters in state and federal court as well.

However, due to counsel's medical condition and treatment, and counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter in this case. Opposing counsel, Robert M. Dudek, has graciously consented to this request.

The following steps have been taken to prevent any further extension requests. An additional attorney has been assigned to assist Respondent's attorney on this brief to assure timely filing of the same. A law clerk is also assisting Respondent's counsel with the Initial Brief of Respondent to assure timely filing of this brief.

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

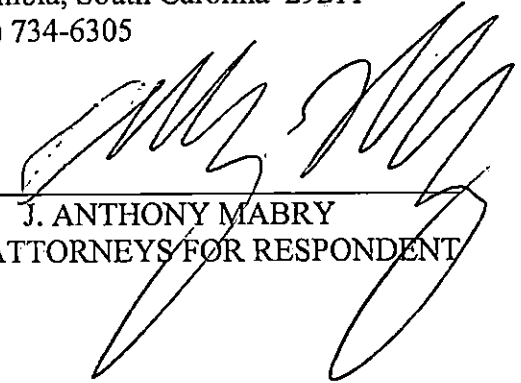
Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General


MELODY J. BROWN  
Senior Assistant Deputy Attorney General

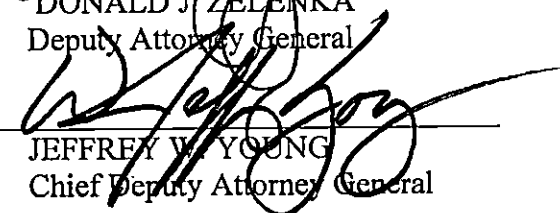
J. ANTHONY MABRY  
Senior Assistant Attorney General  
No. 11973  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
J. ANTHONY MABRY  
ATTORNEYS FOR RESPONDENT

September 9, 2019.

I support the finding of extraordinary circumstances.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

By:   
JEFFREY W. YOUNG  
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**

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I, **Brandy Rankin**, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a fourth extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite 401, Columbia, South Carolina 29201.

I further certify that all parties required by Rule to be served have been served.

This 9<sup>th</sup> day of September, 2019.

*Brandy Rankin*

Brandy Rankin, Legal Assistant to  
J. Anthony Mabry,  
Senior Assistant Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305



ALAN WILSON  
ATTORNEY GENERAL

September 9, 2019

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

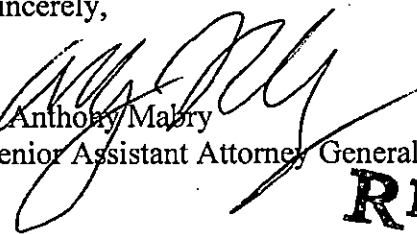
Re: *The State v. Ricky Anthony Short*  
Appeal from Charleston County  
Appellate Case No. 2018-000782

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fourth Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Opposing counsel has consented to this request.

Thank you for your assistance in this matter.

Sincerely,

  
J. Anthony Mabry  
Senior Assistant Attorney General

:dmd  
Enclosures  
cc: Robert M. Dudek, Esq. (w/two copies of encls.)

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