

ORIGINAL



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Robert M. Dudek, Chief Appellate Defender  
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April 19, 2013

RECEIVED

APR 19 2013

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Dear Ms. Kitchings:

In absence of Hugh Ryan, Deputy Attorney and General Counsel for the South Carolina Commission on Indigent Defense, and Patton Adams, Executive Director of the South Carolina Commission on Indigent Defense, and pursuant to instructions from Mr. Ryan, I ask that you accept this cover letter as an attempt to comply with the Court's order dated March 18, 2009, in regard to extension requests.

In the attached motion for an extension of time, Appellate Defender, Kathrine H. Hudgins, seeks a thirty day extension of time to file the initial brief of appellant and designation of matter. Based on that and his extremely heavy case load, as outlined in the motion, he was unable to complete the petition for writ of certiorari and accompanying appendix.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lisa Campbell  
Assistant Director  
South Carolina Commission on  
Indigent Defense

RECEIVED  
APR 19 2013  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County

Stephanie P. McDonald, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

REGINALD MONTGOMERY,

APPELLANT

Appellate Case No. 2012-209832

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PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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The undersigned counsel respectfully requests a **final thirty day extension, until May 19, 2013** in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Leon Billups in the Supreme Court on Thursday, April 18, 2013. Counsel had an oral argument in the case of James Bowers v. State in this Court on Tuesday, April 9, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robin Reese in this


Court on Thursday, April 4, 2013. Counsel had an oral argument in the case of State v. Todd Smith in this Court on Thursday, April 3, 2013. Counsel had an oral argument in the case of State v. Jeffrey Herman in this Court on Tuesday, April 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Larry Bradley Brayboy in the Supreme Court on Wednesday, March 27, 2013. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Danny Ryant in the Supreme Court and Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Marion Stewart in the Supreme Court. Counsel filed the brief of appellant pursuant to White v. State in State v. Jamal Lindsey in this Court on March 21, 2013; counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Jamal Lindsey in the Supreme Court. Counsel filed the Anders brief of appellant and record on appeal in the case of Scott Lee v. State in this Court on Wednesday, March 13, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. John B. Campbell in the Supreme Court on Monday, March 11, 2013. Counsel filed the Anders brief of appellant and record on appeal in the case of Allen Worthy v. State in this Court on Friday, March 8, 2013. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Shazjuan S. Shabazz v. State in the Supreme Court on Friday, March 1, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Joseph Lathan Kelly in the Supreme Court. Counsel filed the Anders brief of appellant and record on appeal in the case State v. Jakevian Pulley in this Court on Wednesday, February 27, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Julio Angelo Hunsberger in this Court on Friday, February 22, 2013. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Herman Donald McKnight v. State in the Supreme Court on Tuesday, February 19, 2013.

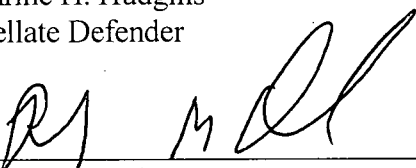
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.


4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until May 19, 2013**. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
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Kathrine H. Hudgins  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

  
\_\_\_\_\_  
T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

April 19, 2013

I DO NOT OPPOSE:

  
\_\_\_\_\_  
Salley W. Elliott