

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to York County

John C. Hayes, III, Circuit Court Judge

RECEIVED

APR 24 2013

Opinion No. 2013-UP-020 (S.C. Ct. App. filed 1/16/2013) **S.C. Supreme Court**

10-GS-46-3461  
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THE STATE,

RESPONDENT,

V.

JASON RAY FRANKS

PETITIONER

Appellate Case No. 2013-000618  
\_\_\_\_\_

**PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX**

The undersigned counsel would respectfully request a **final thirty-day extension, until May 24, 2013**, in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.

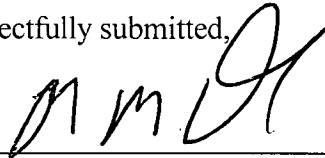
2. Counsel is working on and plans to file the initial brief of appellant and designation of matter in the case of State v. Victor White in the Court of Appeals today, April 24, 2013. Counsel will also attempt to file the brief and designation of matter in the cases of State v. Jefferson Terry and State v. Mark Peters within the next couple of days. Counsel filed the petitioner's reply brief in the case of Gene Tony Cooper v. State in the United States Supreme Court yesterday, April 23, 2013. Counsel had an oral argument in the case of In the Interest of David L., a Minor Under the Age of Seventeen (with co-counsel Charles Grose) in this Court on April 16, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jevon Brown in the Court of Appeals on April 10, 2013. Counsel filed the petition for rehearing in the **death penalty** case of State v. Brad Sigmon in this Court on April 4, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Asherdon Holloway in the Court of Appeals on April 3, 2013. Counsel had an oral argument in the case of State v. Andre Tayson Boone in the Court of Appeals on April 1, 2013. In addition, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Frankie Williams v. State in this Court on April 1, 2013. Counsel attended and presented at the Best Practices Seminar in Charleston on March 25, 2013, sponsored by the South Carolina Commission on Indigent Defense. Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Calvin Prince and State v. Patrick Guess in the Court of Appeals on March 18, 2013. Counsel filed the return to the state's rehearing petition in the **death penalty** case of State v. Raymondeze Rivera in this Court on March 15, 2013. Additionally on March 15, 2013, Counsel filed the brief of appellant in the case of State v. Nicholas Brannon in the Court of Appeals. Counsel filed the petition for rehearing in the **death penalty** case of State v. Stephen Christopher Stanko in this Court on March 14, 2013. Counsel filed the initial brief of

appellant and designation of matter in the case of State v. Phillip Shuler in the Court of Appeals on March 8, 2013. Counsel filed the petition for rehearing in the case of State v. Kendrick Taylor in the Court of Appeals on March 7, 2013. Counsel had an oral argument in the case of State v. Donald Petty in the Court of Appeals on March 5, 2013. Counsel had an oral argument in the case of State v. Gerald Pitts in the Court of Appeals on March 4, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Derrick McDonald, and the reply to the return to the petition for writ of certiorari in the case of State v. Randy Vickery, both in this Court (from the COA) on March 1, 2013. In February, 2013 Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Fred Madden and State v. Tremaine Davis, and the petitions for writ of certiorari and accompanying appendices in the cases of Jimmy Belton v. State and Paul Reid v. State. Additionally, in February, 2013, Counsel filed the brief of appellant in the case of State v. Baby Ray Padgett, the brief of petitioner in the case of State v. Juan Orozco, the reply to the return to the petition for writ of certiorari in the case of James Robertson v. State, a **death penalty** case (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm), the return to the petition for writ of certiorari in the case of State v. Richard Bill Niles, Jr., the petition for rehearing in the case of State v. Christopher M. Stephens, and the petition for writ of certiorari and accompanying appendix in the case of State v. Gene Tony Cooper in the United States Supreme Court. Counsel also had an oral argument in the case of State v. Steven Barnes, a **death penalty** case in this Court, and a remand bond hearing for the State v. Richard Gagnon after Judge Steven John granted a new trial in that case following the Court of Appeals' remand. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

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.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until May 24, 2013**, in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R M Dudek', written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

April 24, 2013

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to York County  
John C. Hayes, III, Circuit Court Judge

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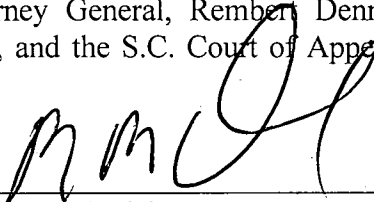
Appellate Case No. 2013-000618

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CERTIFICATE OF SERVICE

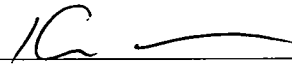
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The undersigned attorney hereby certifies the petition in which to file the petition for writ of certiorari and appendix in the above referenced case has been served upon Julie Kate Keeney, Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, and the S.C. Court of Appeals this 24<sup>th</sup> day of April, 2013.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me  
this 24<sup>th</sup> day of April, 2013.

  
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(L.S.)  
Notary Public for South Carolina  
My Commission Expires: October 2, 2013.