

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

May 06 2022

Appeal from Pickens County

SC Court of Appeals

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JONATHAN R. RACKLEY,

APPELLANT.

APPELLATE CASE NO. 2021-001141

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

The undersigned counsel respectfully requests a thirty-day extension from May 6, 2022 until June 6, 2022, 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, May 6, 2022, having been extended by two prior orders of this Court.
2. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. James Monroe Brown with this Court on April 29, 2022. Counsel, as lead counsel, filed a petition for rehearing in the case of The State v. Justin Jamal Warner, with the Supreme Court on April 28, 2022. Counsel, as lead counsel, filed a petition for rehearing in the death penalty case of The State v. Jerome Jenkins, Jr., with the Supreme Court on April 20, 2022. Counsel filed

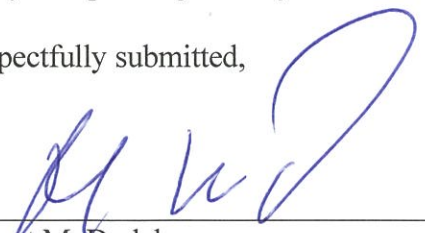
a brief of petitioner in the case of Shana Robinson v. The State with this Court on March 25, 2022. Counsel filed the initial reply brief of appellant in the case of The State v. Bryan Austin Seidle with this Court on March 21, 2022, with co-counsel Lara M. Caudy. Counsel filed a petition for writ of certiorari to the Court of Appeals and appendix in the case of The State v. Gregg Pickrell with the Supreme Court on March 21, 2022. Counsel filed a reply brief of petitioner in the case of The State v. David Matthew Carter with this Court on March 14, 2022. Counsel filed a brief of petitioner in the case of Antwon M. Baker, Jr., v. State with this Court on March 7, 2022. Counsel filed a return to petition for writ of certiorari to the Court of Appeals in the case of The State v. James Caleb Williams with the Supreme Court on March 2, 2022. **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.

4. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through May 31, 2022. That extended, emailed general consent was dated April 28, 2022.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from May 6, 2022 until June 6, 2022. 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,



Robert M. Dudek
Chief Appellate Defender

This 6th day of May, 2022.

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy the motion for an extension of time in which to file the initial brief of appellant and designation of matter in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 6th day of May, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.