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Jun 06 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

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

THE STATE,

RESPONDENT,

V.

JONATHAN RICHARD 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

Counsel for Jonathan Richard Rackley respectfully requests a **final extension of thirty (30) days, from June 6, 2022 until July 6, 2022**, in which to file the initial brief of appellant and designation of matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today, June 6, 2022. The Court has granted counsel three previous extensions.
2. Counsel for Jonathan Richard Rackley respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number

of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

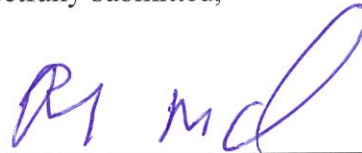
3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dustin Geoffrey Ready with this Court on June 3, 2022. Counsel filed the return to motion to submit amended final brief of respondent in the case of The State v. Bryan Austin Seidle with this Court on May 23, 2022, with co-counsel Lara M. Caudy. 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 also has extensive administrative duties as the Chief Appellate Defender.**

4. 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.

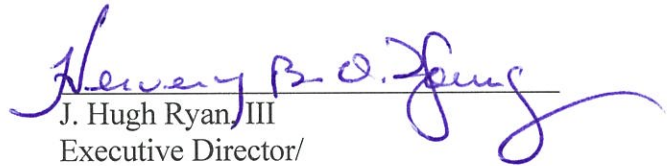
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2022. That extended, emailed general consent was dated May 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from June 6, 2022 until July 6, 2022**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 6th day of June, 2022.

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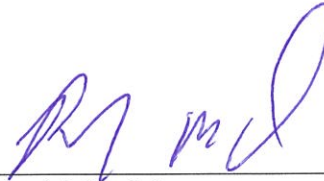
JONATHAN RICHARD RACKLEY,

APPELLANT.

APPELLATE CASE NO. 2021-001141

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 June, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

From: [Matthews, Lindsey](#)
To: [SC - BROWN MELODY](#)
Cc: [SC - BROWN ANGELA](#); [Dudek, Robert](#)
Subject: 2021-001141 The State v. Jonathan R. Rackley
Date: Monday, June 6, 2022 10:41:00 AM
Attachments: [2021-001141 The State v. Jonathan R. Rackley - Motion for Fourth Extension.pdf](#)

Attached is a motion for extension in the above-referenced case.

Thank you.

Sincerely,
Lindsey M. Matthews
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SC Commission on Indigent Defense
Appellate Division
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Columbia, SC 29201
Phone: (803) 734-1330