

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

Certiorari to Richland County

JUL 10 2013

L. Casey Manning, Circuit Court Judge **S.C. Supreme Court**

SHARON SMITH,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER

Appellate Case No. 2012-213022

PETITION FOR EXTENSION TO FILE THE
RETURN TO THE PETITION FOR WRIT OF CERTIORARI

The undersigned counsel respectfully requests a thirty day extension in which to file the return to the petition for writ of certiorari in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The return to the petition for writ of certiorari in this case is due to be served and filed today.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the **death penalty** case of State v. Stephen Stanko in the United States Supreme Court on July 2, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Derell Green in the Court of Appeals on June 28, 2013. Counsel filed the brief of petitioner in the case of State v. Beulah Butler in this Court on June 24, 2013. Counsel had an oral argument

in the case of State v. Anthony Wade in this Court on June 19, 2013. Additionally, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Christopher M. Stephens (from the COA) in this Court on June 19, 2013. Counsel filed a motion to appoint outside counsel in the case of Domonique Brown v. State in this Court on June 13, 2013. Counsel had an oral argument in the case of In the Interest of Brandon M., a Minor in the Court of Appeals on June 11, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Osles Cunningham in the Court of Appeals on June 10, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antonio Miller, as well as the petition for rehearing in the case of State v. Kendrick Taylor, both in the Court of Appeals on June 6, 2013. Counsel had an oral argument in the case of State v. Charles Pennell in the Court of Appeals on June 5, 2013. In addition, Counsel filed the return to the motion for outside counsel in the **death penalty** case of Freddie Owens v. State, and the notice of supplemental authority in the **death penalty** case of James Roberson v. State, both in this Court on June 5, 2013. Counsel had oral arguments in the cases of State v. Dondre Scott and State v. Rashaun Sobers in the Court of Appeals on June 4, 2013. Counsel filed the reply to the return to the petition for writ of certiorari in the **death penalty** case of Marion Alexander Lindsey v. State, with Co-Counsel David Alexander, in this Court on May 28, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Jason Ray Franks (in the COA) in this Court on May 23, 2013. In addition, Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Jefferson Perry and State v. Robert Renzo in the Court of Appeals on May 23, 2013. Counsel filed the petition for rehearing in the case of State v. Jeffrey A. Michaelson in the Court of Appeals on May 22, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Bobby McCann in the Court of Appeals on May 17, 2013. Counsel had an oral argument in the case of State v. William Brockmeyer, where he is Counsel with Miles Coleman and Matt Bogan of Nelson

Mullins Riley & Scarborough, LLP, in this Court on May 15, 2013. Counsel had oral arguments in the cases of State v. Robert C. Johnson and State v. Andre Richardson in the Court of Appeals on May 14, 2013. Counsel filed the initial reply brief of appellant in the case of State v. Jamaal Hinson, with Co-Counsel Reid Sherard of Nelson Mullins Riley & Scarborough, LLP, in the Court of Appeals on May 8, 2013. In addition, Counsel filed the petition for rehearing in the case of In the Interest of David L., a Minor Under the Age of Seventeen, with Co-Counsel E. Charles Grose, Jr., in this Court on May 8, 2013. Counsel filed the return to the petition for writ of certiorari in the case of Craig Brannon v. State in this Court on May 6, 2013. Counsel filed the petition for rehearing in the case of State v. Andre Tayson Boone in the Court of Appeals on May 1, 2013. **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 thirty day extension. Counsel respectfully requests that the time limits for filing the return to the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

July 10, 2013

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IN THE SUPREME COURT

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L. Casey Manning, Circuit Court Judge

SHARON SMITH,

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V.

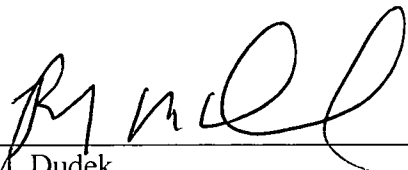
STATE OF SOUTH CAROLINA,

PETITIONER

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CERTIFICATE OF SERVICE


The undersigned attorney hereby certifies that a true copy of the petition for extension to file the return to the petition for writ of certiorari in the above referenced case has been served upon David Spencer, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 10th day of July, 2013.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR RESPONDENT.

SUBSCRIBED AND SWORN TO before me
this 10th day of July, 2013.


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