

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Florence County

Honorable Clifton Newman, Circuit Court Judge

NATHANIEL NESMITH,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2024-000789

MOTION FOR AN EXTENSION OF TIME
TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Nathaniel Nesmith respectfully requests an extension of thirty (30) days from August 21, 2024 until September 20, 2024 in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.
2. Counsel for Nathaniel Nesmith respectfully submits that extraordinary

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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 her 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. Frank L. Mills with the Court of Appeals on August 5, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Jaycoby Terreak Williams v. The State with this Court on August 5, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Steven Levon Williams v. The State with this Court on July 31, 2024. Counsel filed the Brief of Petitioner in the case of Ronnie C. Swofford v. The State with the Court of Appeals on July 22, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Travontae Mitchell with the Court of Appeals on July 17, 2024. Counsel filed the Petition for Writ of Certiorari, the Brief of Appellant Pursuant to *White v. State*, and the Appendix in the case of Gerald Akeem Gadsden v. The State with this Court on July 8, 2024. Counsel filed the Brief of Petitioner in the case of Maurice Roberts v. The State with the Court of Appeals on June 27, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Morgan Dayle Carr with the Court of Appeals on June 21, 2024. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in the case of Brittnay C. Foster v. The State with this Court on June 3, 2024.

4. Counsel makes this request in good faith and not for purpose of delay.

5. On July 29, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31,


2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from August 21, 2024 until September 20, 2024, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 21st day of August, 2024.