

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Kershaw County
G. Thomas Cooper, Jr., Circuit Court Judge

RECEIVED

SEP 13 2013

THE STATE,

RESPONDENT, **SC Court of Appeals**

V.

GREGORY V. SMITH,

APPELLANT

APPELLATE CASE NO. 2012-213666

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

Counsel respectfully requests a **final extension of thirty (30) days until October 14, 2013**, 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. This is a final request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court, today, September 13, 2013. The Court has granted counsel four previous extensions.
2. Counsel 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. This case was assigned to Breen Stevens, whose last day with the Appellate Division was Friday, May 24, 2013. Undersigned counsel assumed Mr. Stevens' caseload

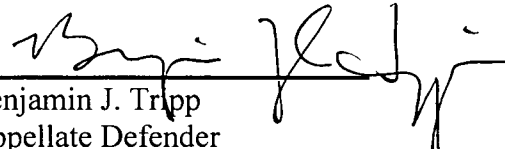
effective May 28, 2013, and has been reassigned to handle the present case. On September 12, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Dustin Williams v. State with the Supreme Court. On August 30, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Demarco Bell v. State with the Supreme Court. On August 29, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Mackail Dawkins v. State with the Supreme Court. On August 23, 2013, counsel filed a brief of appellant and record on appeal in State v. Whitney Span with this Court. On August 13, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Donald E. Brown v. State with the Supreme Court. On August 2, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Solomon Smith v. State with the Supreme Court. On July 31, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Kenneth Odell Jackson with this Court. On July 26, 2013, counsel filed a brief of appellant and record on appeal in State v. Frederick Flowers with this Court. On July 22, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in John G. Kimble v. State with the Supreme Court. On July 19, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Michael C. Andes with this Court. On July 12, 2013, counsel filed a brief of appellant and record on appeal in State v. Billy Roy Boyd with this Court. On July 8, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Carl B. Craine v. State with the Supreme Court.

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

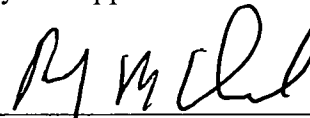
5. Counsel for the Attorney General's office consents to this request shown by signature below.

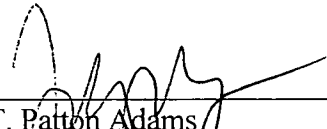
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until October 14, 2013**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,


Benjamin J. Tripp
Appellate Defender


Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender


T. Patton Adams
Executive Director/
J. Hugh Ryan, III
General Counsel

This 13th day of September, 2013.

I consent:


For Salley W. Elliott