

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Stephanie P. McDonald, Circuit Court Judge

RECEIVED

OCT 28 2013

S.C. Supreme Court

JERRY JEROME SMITH,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001041

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE
PETITION FOR WRIT OF CERTIORARI

Counsel respectfully requests a thirty day extension in which to file the petition for writ of certiorari 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 is due to be served and filed with the Court today.
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. Today, counsel will file the brief of appellant and designation of matter in State v. Andre Wallace with the Court of Appeals. On October 17, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Dietrick T. Williams in the Court of Appeals. On October 7, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Sarah D. Cardwell with the Court of Appeals. On September 27, 2013, counsel filed a Brief of Appellant in State v. Demetrius Smalls with the Court of Appeals. From September 23-25, 2013, counsel attended the 2013 Public Defender Conference in Myrtle Beach, S.C. On September 20, 2013, counsel attended a conference hosted by the South Carolina Commission on Indigent Defense entitled Gideon at 50 in Charleston, S.C. On September 18, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Omar Singleton v. State with this Court. On September 16, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Shawn Leonard Glennon v. State with this Court. On September 13, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Carl Chaplin with the Court of Appeals. On September 12, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Dustin Williams v. State with this Court. On August 30, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Demarco Bell v. State with this Court. On August 29, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Mackail Dawkins v. State with this Court. On August 23, 2013, counsel filed a brief of appellant and record on appeal in State v. Whitney Span with the Court of Appeals.

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 has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension in which to file the petition for writ of certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,


Benjamin J. Tripp
Appellate Defender

Attorney for Petitioner

October 28, 2013

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County
Stephanie P. McDonald, Circuit Court Judge

JERRY JEROME SMITH,

PETITIONER,

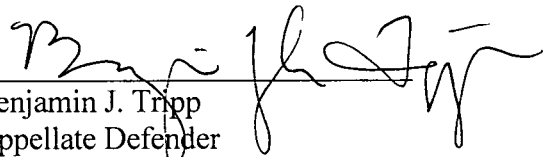
V.

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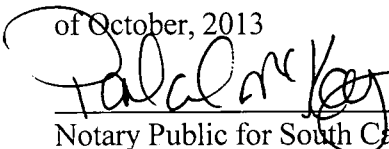
CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Ashley R. Wilson, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 28th day of October, 2013.


Benjamin J. Tripp
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 28th day
of October, 2013


(L.S.)

Notary Public for South Carolina

My Commission Expires: July 24, 2022.