

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Lexington County

George C. James, Jr., Circuit Court Judge  
\_\_\_\_\_

 ORIGINAL

**RECEIVED**

DEC 06 2013

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

NICHOLAS A. SMITH,

APPELLANT

APPELLATE CASE NO. 2013-000986  
\_\_\_\_\_

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

Counsel respectfully requests an extension of thirty (30) days 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 third 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. The Court has granted counsel two 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.

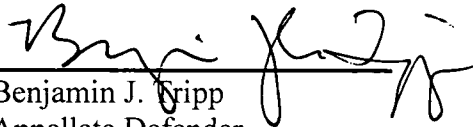
3. On December 4, 2013, counsel held an oral argument before the Supreme Court in State v. Travis Jones. On November 27, 2013, counsel filed a brief of appellant and record on appeal in State v. Halden Lamont Hollman in this Court. On November 22, 2013, counsel filed a return to petition for writ of certiorari in State v. Brittany Johnson with the Supreme Court. On November 20, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Antrown Irby v. State with the Supreme Court. On November 13, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Jon Roseboro in this Court. On November 7, 2013, counsel held an oral argument in State v. Carmichael Arvel Glenn before this Court. On November 6, 2013, counsel filed a brief of appellant and record on appeal in State v. Korey Love with this Court. On November 4, 2013, counsel filed a brief of appellant and record on appeal in State v. Wanda Patterson with this Court. On October 31, 2013, counsel filed a brief of appellant in State v. Samuel Dingle with this Court. On October 28, 2013, counsel filed the brief of appellant and record on appeal in State v. Andre Wallace with this Court. On October 17, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Dietrick T. Williams in this Court. On October 7, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Sarah D. Cardwell with this Court. On September 27, 2013, counsel filed a Brief of Appellant in State v. Demetrius Smalls with this Court. From September 23-25, 2013, counsel attended the 2013 Public Defender Conference in Myrtle Beach, S.C.

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 an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

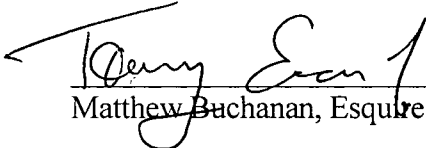
  
Benjamin J. Nipp  
Appellate Defender

Attorney for Appellant

  
Robert M. Dudek  
Chief Appellate Defender

This 6th day of December, 2013

I consent:

  
Matthew Buchanan, Esquire