

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Larry B. Hyman, Jr., Circuit Court Judge

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JAN 21 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN HENRY SMITH,

APPELLANT

APPELLATE CASE NO. 2013-000876

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. On Wednesday, January 15, 2014, counsel filed the initial brief of appellant and designation of matter in the case of State v. Charlie Belser. On Monday, January 13, 2014, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Duval M. Cooper v. State. On Friday, January 10, 2014, counsel filed the initial brief of appellant and designation of matter in the case of State v. William Edward Price. On Friday, December 27, 2013, counsel filed


the petition for writ of certiorari and accompanying appendix In the Interest of Justin B., a minor under the age of seventeen in the United States Supreme Court. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Clarence Kendall Cook v. State on Thursday, December 19, 2013. Also on Thursday, December 19, 2013, counsel filed the initial brief of appellant and designation of matter in the case of State v. Gabriel Jon Rios. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jonathan James v. The State of South Carolina on December 9, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Antonio Moultrie v. State on December 9, 2013. Counsel had an oral argument in the case of State v. Donta Kevon Reid in the Supreme Court, on December 5, 2013. On Friday, November 22, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. James Bowers. On Wednesday, November 20, 2013, counsel filed the initial brief of appellant and designation of matter in the case of State v. Bronson Shelley.

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.

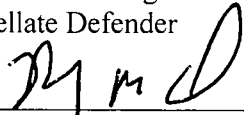
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

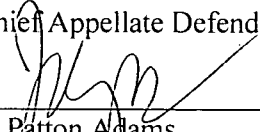
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



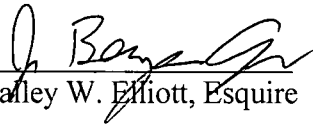
Robert M. Dudek
Chief Appellate Defender



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

January 21, 2014

I DO NOT OPPOSE:


for Salley W. Elliott, Esquire