

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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FEB - 5 2014

Certiorari to Spartanburg County
J. Mark Hayes, II, Circuit Court Judge

S.C. Supreme Court

TRAVIS MONTRE SMITH,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001696

MOTION TO FILE EXTENSION
OUT OF TIME

The undersigned counsel requests the Court allow counsel the time to file the thirty day extension of the petition for writ of certiorari and accompanying appendix in this case out of time.

In support of this motion counsel submits the following.

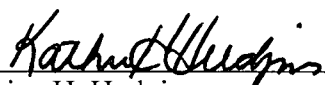
1. The petition for writ of certiorari and accompanying appendix was extended in the Supreme Court in the above-entitled case on December 30, 2013, making the petition for writ of certiorari and accompanying appendix due to be filed on January 30, 2013.

2. However, due to a calendar error on that day the petition for writ of certiorari and accompanying appendix were not extended. After receiving notice from this Court counsel was

informed that petition for writ of certiorari and accompanying appendix had not been extended and was due on January 30, 2013.

The undersigned counsel respectfully requests that the Court grant counsel's request to allow counsel to file a thirty day extension of the petition for writ of certiorari and accompanying appendix in the above entitled case out of time.

Respectfully submitted,




Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

February 5, 2014

I do not oppose.



Suzanne H. White, Esquire

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STATE OF SOUTH CAROLINA,

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PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a thirty-day extension in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.
2. On Monday, February 03, 2014, counsel had an oral argument in the South Carolina Court of Appeals in the case of State v. Ronald Black. On Monday, January 27, 2014 counsel filed the Anders brief of appellant and record on appeal in the case of State v. Sincere J. Owens. On Wednesday, January 15, 2014, counsel filed the Anders brief of appellant and record on appeal 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.

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.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender

February 5, 2014

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

J. Mark Hayes, II, Circuit Court Judge

TRAVIS MONTRE SMITH,

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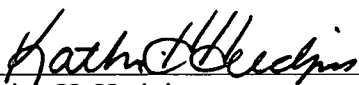
STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001696

CERTIFICATE OF SERVICE

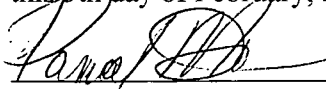
The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Suzanne H. White, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201 this 5th day of February, 2014.



Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 5th day of February, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.