

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Charleston County

R Markley Dennis, Jr., Circuit Court Judge

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 ORIGINAL

RECEIVED

MAY 05 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

AKEEM O. SMITH,

APPELLANT

APPELLATE CASE NO. 2012-213518

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

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Counsel for Akeem O. Smith respectfully requests an extension of ten (10) days in which to file the Initial Reply Brief of Appellant 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 reply brief of appellant is due to be filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel for Akeem O. Smith 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. Counsel filed reply to the return to the petition for writ of certiorari in the case of Marion Bowman v. State with the Supreme Court today, May 5, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Zinah Damaris Jennings (transcripts and pleadings exceeded 1,800 pages) in the Court of Appeals on May 1, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Erick Arroyo with the Court of Appeals on April 16, 2014. Counsel filed Reply Brief of Petitioner in the case of State v. Jomar Robinson with the Supreme Court on April 11, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Allen Johnson with the Court of Appeals on April 9, 2014. Counsel had oral argument in the case of State v. Steven Kranendonk with the Court of Appeals on April 8, 2014. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of In The Interest of Tyairy G., Minor with the Supreme Court on April 1, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix and the Austin v. State petition for writ of certiorari in the case of Donnie M. Malpass v. State with the Supreme Court on March 27, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Daniel McNeil v. State with the Supreme Court on March 25, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Lamar Sequan Brown with the Court of Appeals on March 24, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tamar Bryant in the Court of Appeals on March 19, 2014. Counsel filed the reply brief of appellant in the case of State v. Brenda Bratschi in the Court of Appeals on March 14, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix


in the case of William L. Childers v. State in the Supreme Court on March 12, 2014. Counsel had an oral argument in the case of State v. Jason A. Johnson in the Court of Appeals on March 6, 2014. Counsel had an oral argument in the case of State v. Curtis J. Simms with co-counsel Robert M. Dudek in the Supreme Court on March 5, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Gunnells v. State in the Supreme Court on March 5, 2014.

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

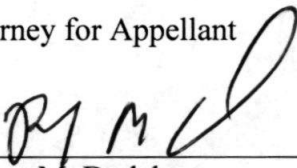
5. Counsel for the Attorney General's office consents to this request shown by signature below.

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

Respectfully submitted,


  
David Alexander  
Appellate Defender

Attorney for Appellant

  
Robert M. Dudek  
Chief Appellate Defender

This 5th day of May, 2014.

I consent:

  
William M. Blitch, Jr.