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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Doyet A. Early, III, Circuit Court Judge

RECEIVED

DEC 10 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES PATRICK SMITH,

APPELLANT

APPELLATE CASE NO. 2014-000921

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

The undersigned counsel would respectfully request 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 exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by two prior orders of this Court.
2. **Counsel started working with the South Carolina Commission on Indigent Defense Division of Appellate Defense on September 25, 2014.** Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jaleel Page v.

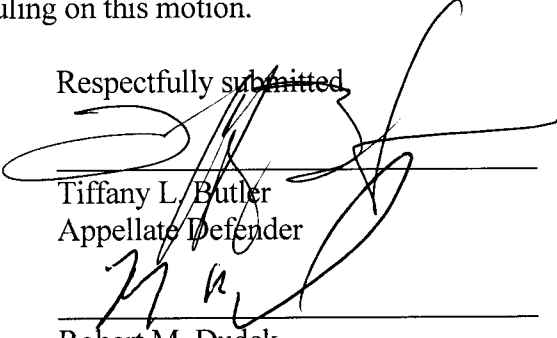
State in the Supreme Court on December 8, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tonya Mcalhaney in this Court on December 5, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Randy Howze in this Court on November 25, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Pernell Byas in this Court on November 14, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of George T. Middleton v. State with the Supreme Court on October 15, 2014.

3. This request is made in good faith, and not for purposes of delay.

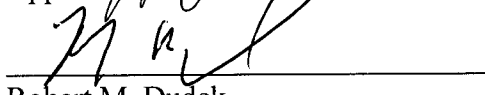
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the initial brief of appellant and designation of matter in this case. Counsel 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,



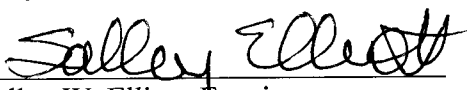
Tiffany L. Butler
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

December 10, 2014

I DO NOT OPPOSE:



Salley W. Elliott, Esquire