

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Doyet A. Early, III, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES PATRICK SMITH,

APPELLANT

APPELLATE CASE NO. 2014-000921

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

Counsel respectfully requests a **final extension of thirty (30) days until Monday, February 9, 2015**, 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 fourth 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 three 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 her caseload, counsel hopes that no further extension requests will be required.

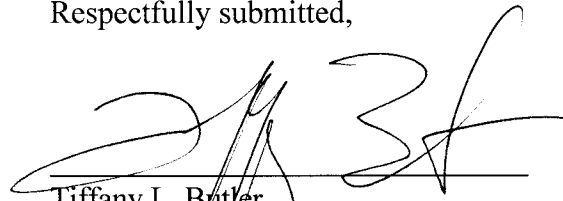
3. **Counsel started working with the South Carolina Commission on Indigent Defense Division of Appellate Defense on September 25, 2014.** Counsel filed the brief of appellant and record on appeal in the case of State v. Claudius Adrian Williams in the Court of Appeals on January 7, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Todd F. Smith v. State in the Supreme Court on December 31, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Alphonso Simmons v. State in the Supreme Court on December 12, 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 the Court of Appeals on December 5, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Randy Howze in the Court of Appeals on November 25, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Pernell Byas in the Court of Appeals 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.

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.

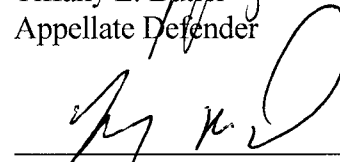
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until Monday, February 9, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

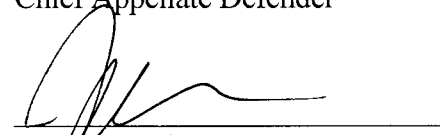
Respectfully submitted,



Tiffany L. Butler
Appellate Defender



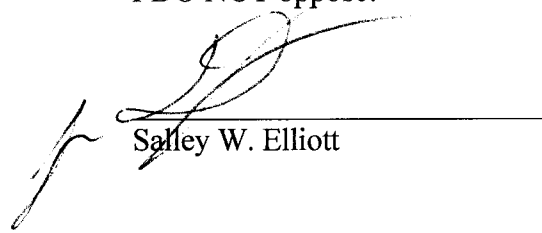
Robert M. Dudek
Chief Appellate Defender



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

This 9th day of January, 2015

I DO NOT oppose:



Salley W. Elliott