

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Benjamin H. Culbertson, Circuit Court Judge

RECEIVED

JAN 30 2015

S.C. Supreme Court

THOMAS A. SMART,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-001808

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE
PETITION FOR WRIT OF CERTIORARI

Counsel respectfully requests a thirty day extension in which to file the petition for writ of certiorari in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today.

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 his caseload, counsel hopes that no further extension requests will be required.

3. On January 28, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Eddie Alewine v. State with this Court. On January 26, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Buddy Arizona Harris v. State with this Court. On January 23, 2015, counsel filed a brief of appellant and record on appeal in State v. Lamont Quadre Dewberry with the Court of Appeals. On January 20, 2015, counsel filed a brief of appellant and record on appeal in State v. Sherard A. Weathers with the Court of Appeals. On January 14, 2015, counsel filed a petition for writ of certiorari to the Court of Appeals and accompanying appendix in State v. Carolyn Poe with this Court. On January 12, 2015, counsel filed a brief of appellant and record on appeal in State v. Christopher W. Brown with the Court of Appeals. On January 8, 2015, counsel held an oral argument in State v. Mitchell Rivers before the Court of Appeals. On January 5, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in John J. Moore v. State with this Court. On December 23, 2014, counsel filed a petition for rehearing in State v. Arthur Smith with the Court of Appeals. On December 17, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Gregory Gosnell v. State with this Court. On December 15, 2014, counsel filed an Petition for Writ of Certiorari pursuant to *Austin v. State* in Victor C. Penny v. State with this Court. On December 11, 2014, counsel filed a petition for rehearing in State v. Carolyn Poe with the Court of Appeals. On December 10, 2014, counsel filed a petition for writ of certiorari in Donnell McFadden v. State with this Court. On December 9, 2014, counsel held an oral argument in Ernest L Hall v. State before the Court of Appeals. On December 5, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Steven R. Timmons v. State with this Court. On December 5, 2014, counsel filed a petition for writ of certiorari and

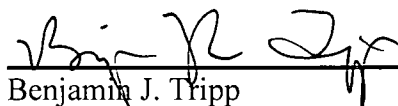
accompanying appendix in Eddie Pilcher v. State with this Court. On December 1, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Princeton Thrower v. State with this Court. On December 1, 2014, counsel filed a petition for rehearing in The Interest of Jameccia L., a Minor Under the Age of Seventeen with the Court of Appeals. On November 26, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Anthony Britt v. State with this Court.

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 has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension in which to file the petition for writ of certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,



Benjamin J. Tripp

Appellate Defender

Attorney for Petitioner

January 30, 2015

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Horry County
Benjamin H. Culbertson, Circuit Court Judge

THOMAS A. SMART,

PETITIONER,


V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

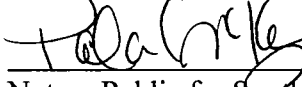
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Joshua L. Thomas, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 30th day of January, 2015.



Benjamin J. Tripp
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 30th day
of January, 2015.



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