

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Benjamin H. Culbertson, Circuit Court Judge

RECEIVED

MAR - 2 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 AND APPENDIX

Counsel respectfully requests a **final extension of thirty (30) days until April 1, 2015**, in which to file the petition for writ of certiorari and appendix 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 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 February 26, 2015, counsel filed a brief of petitioner in West Webb Mitchum v. State with the Court of Appeals. On February 20, 2015, counsel filed a petition for writ of certiorari to the Court of Appeals in State v. Arthur Smith with this Court. On February 17, 2015, counsel filed a brief of appellant and record on appeal in State v. David Terrell Gallman in the Court of Appeals. On February 12, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Alex O. Davidson v. State with this Court. On February 6, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Zerell McClurkin v. State with this Court. On February 4, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Michael Henderson v. State, in addition to an Anders brief of appellant pursuant to White v. State, with this Court. On January 30, 2015, counsel filed an Appointed Counsel's Return to Petitioner's Motion to Relieve Counsel, Withdraw Petition, and Proceed Pro Se in John J. Moore v. State with this Court. 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

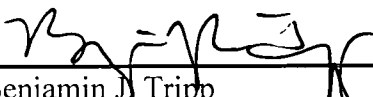
Court of Appeals. On January 5, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in John J. Moore v. State with this Court.

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.

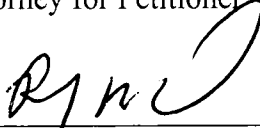
5. Counsel for the Attorney General's office consents to this request as shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until April 1, 2015**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

Respectfully submitted,

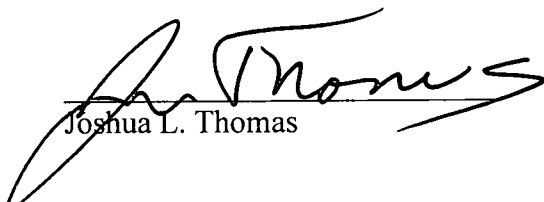

Benjamin J. Tripp
Appellate Defender

Attorney for Petitioner


Robert M. Dudek
Chief Appellate Defender

This 2nd day of March, 2015

I Consent:


Joshua L. Thomas