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ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY

R. Scott Sprouse, Circuit Court Judge

RECEIVED

MAR 21 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GEROME C. SMITH,

APPELLANT

APPELLATE CASE NO. 2015-001616

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

Counsel for appellant respectfully requests an extension of thirty (30) days, until **April 20, 2016**, 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 third 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 two previous extensions.
2. Counsel for appellant 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 the petition for petitioner's return to state's motion to dismiss or in alternative to remand the case to general sessions in the case of Donald Roberts v. The State of South Carolina in the Supreme Court on March 17, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Taquan Brown with the Court of Appeals on March 14, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Gary Fraley with the Court of Appeals on March 9, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John Arthur Thomas with the Court of Appeals on March 3, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Charles Junious v. The State of South Carolina in the Supreme Court on February 29, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Danny Cortez Brown v. The State of South Carolina in the Supreme Court on February 22, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Christopher Mejean with the Court of Appeals on February 16, 2016. Counsel had an oral argument in the case of The State v. O'neal Bernard Byrdic, Jr. in the Court of Appeals on February 9, 2016.

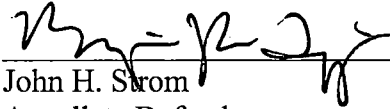
4. Counsel makes this request in good faith and not for purpose of delay.

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, **until April 20, 2016**, 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,

for   
\_\_\_\_\_  
John H. Strom  
Appellate Defender

Attorney for Appellant

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

This 21<sup>st</sup> day of March, 2016.

I consent:

for   
\_\_\_\_\_  
Benjamin Aplin, Esquire