

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

\_\_\_\_\_  
Certiorari to Horry County

Edward B. Cottingham, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

OCT 23 2012

S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

WESLEY SMITH,

APPELLANT

Appellate Case No. : 2011-188646  
\_\_\_\_\_

**PETITION FOR EXTENSION TO FILE  
BRIEF OF PETITIONER  
AND ADDITIONAL COPIES OF THE APPENDIX**  
\_\_\_\_\_

The undersigned counsel would respectfully request a thirty-day extension (**from October 24, 2012**), **until November 23, 2012** in which to file the brief of petitioner and additional copies of the appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The brief of petitioner and additional copies of the appendix in this case are due to be served and filed **Wednesday, October 24, 2012** having been extended by one prior orders of this Court.

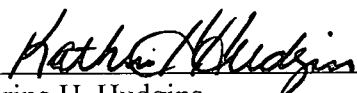
2. Counsel filed the initial brief of appellant and designation of matter in State v. Antrell Felder and the brief of respondent in Cazario Marshall v. State on October 22, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in William Cornish v. State and Wiley Post James v. State on October 8, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in

Archie Hoover v. State on October 4, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Terrance Gist v. State on October 1, 2012. Counsel attended the South Carolina Public Defender's Conference during the week of September 24, 2012. On September 21, 2012, counsel filed the petitions for writ of certiorari to the Court of Appeals in State v. Hazard Cameron and State v. Eddie Simmons; counsel will also filed the petition for writ of certiorari and accompanying appendix in Carmen Rice v. State. Counsel filed the petition for rehearing in State v. Demetrius Price on September 20, 2012. On September 19, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Yates Walter Wyant. Counsel filed the initial brief of appellant and designation of matter in State v. Gervais Edmonds on September 10, 2012. Counsel is also argued the case State v. Larry Brayboy in this Court on September 10, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Korrell Battle v. State on September 4, 2012.

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

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension (**from October 24, 2012**), **until November 23, 2012** in which to file the brief of petitioner and additional copies of the appendix in this case. Counsel requests that the time limits for filing brief of petitioner and additional copies of the appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
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Kathrine H. Hudgins  
Appellate Defender

ATTORNEY FOR PETITIONER

October 23, 2012

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Certiorari to Horry County  
Edward B. Cottingham, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

WESLEY SMITH,

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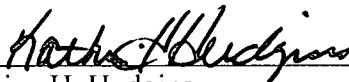
Appellate Case No. : 2011-188646

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CERTIFICATE OF SERVICE

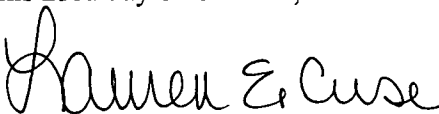
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The undersigned attorney hereby certifies that a true copy of the petition for extension of time in which to file the petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Christina J. Catoe, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 23rd day of October, 2012.

  
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Kathrine H. Hudgins  
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 23rd day of October, 2012.

 (L.S.)  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: August 23, 2014 .