

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Richland County
Honorable Robert E. Hood, Circuit Court Judge

RECEIVED

JUL 08 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL JUAN SMITH,

APPELLANT

APPELLATE CASE NO. 2015-001905

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

Counsel for Appellant respectfully requests a **final twenty (20) day extension, until July 28, 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 fifth 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 four previous extensions.

2. Counsel for Appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **This attempted murder trial lasted over a week and received intense media attention. The transcript is 1,188 pages. The State introduced over 100 exhibits and the defense introduced over 25 exhibits. Many of the exhibits are audio and video recordings that are not transcribed. Multiple complex legal issues exist. Counsel has discussed the**

legal issues with the Chief Appellate Defender and he concurs that the extension is warranted. 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 and counsel will attempt to file the case before the deadline.

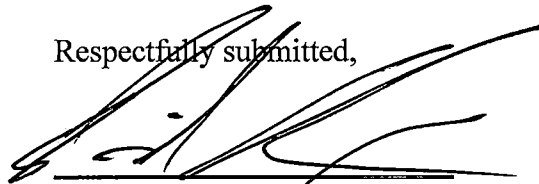
3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Michael Carter with the Supreme Court on June 30, 2016. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of State v. Gerald Barrett with the Supreme Court on June 28, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Richard Tedford with the Court of Appeals on June 2, 2016. Counsel filed the brief of appellant and designation of matter in the case of State v. Robert Wazney with the Court of Appeals on May 25, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of Robert T., a Juvenile Under the Age of Seventeen with the Court of Appeals on May 20, 2016. Counsel had an oral argument in the case of In the Matter of the Care and Treatment of Jeffrey Chapman before the Supreme Court on May 17, 2016. Together with co-counsel Robert M. Dudek and Susan Hackett, counsel filed a petition for writ of certiorari in the case of State v. Brett Parker, in which the record exceeded 3,200 pages, with the Supreme Court on May 11, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jonathan Holder with the Court of Appeals on May 6, 2016. Counsel had an oral argument in the case of Jason Kinloch v. State before the Court of Appeals on May 2, 2016. Counsel filed petition for writ of certiorari and accompanying appendix in the case of Joseph Cobb v. State with the Supreme Court on April 28, 2016. Counsel filed petition for writ of certiorari and accompanying appendix in the case of William Rice v. State with the Supreme Court on April 26, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Bobby Sims with the Court of Appeals on April 25, 2016. Counsel had an oral argument in the case of State v. Matthew Medley before the Court of Appeals on April 19, 2016.

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.

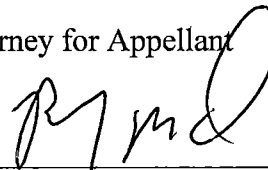
WHEREFORE, the undersigned counsel would respectfully request a **final twenty (20) day extension until July 28, 2014**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



David Alexander
Appellate Defender

Attorney for Appellant



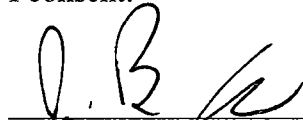
Robert M. Dudek
Chief Appellate Defender



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

This 8th day of July, 2016.

I consent:



Benjamin Aplin, Esquire