

**ORIGINAL**

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

**RECEIVED**

Appeal from Spartanburg County

AUG 25 2016

Honorable R. Scott Sprouse, Circuit Court Judge **SC SUPREME COURT**

DAVID DWIGHT SMITH,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-000262

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

Counsel for David Dwight Smith respectfully requests an extension of thirty (30) days 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 second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for David Dwight Smith 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 her caseload, counsel hopes that no further extension requests will be required.

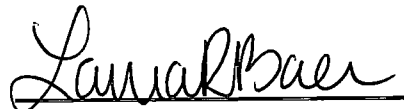
3. Counsel will file the reply to return to petition for writ of certiorari in the case of Sheldon Oakman v. State with the Supreme Court today, August 25, 2016. Counsel filed the brief of respondent in the case of Norman Hayes v. State with this Court on August 17, 2016. Counsel filed the petition for writ of certiorari in the case of Ronald Smith v. State with this Court on August 12, 2016. Counsel filed the petition for writ of certiorari in the case of Antwine Matthews v. State with this Court on August 12, 2016. Counsel filed the initial brief of appellant in the case of State v. Dean Distasio with the Court of Appeals on August 8, 2016. Counsel filed the initial brief of respondent in the case of State v. Josie Jones with the Court of Appeals on July 22, 2016. Counsel filed the initial brief of appellant in the case of State v. Darren Keith Belt with the Court of Appeals on July 15, 2016. Counsel filed the petition for writ of certiorari in the case of Derrick Harriott v. State with this Court on July 5, 2016. Counsel filed the initial brief of appellant in the case of State v. Justin Cameron Harden with the Court of Appeals on June 24, 2016.

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

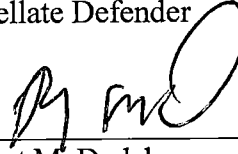
5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura R. Baer", written over a horizontal line.

Laura R. Baer  
Appellate Defender

A handwritten signature in cursive script, appearing to read "R. M. Dudek", written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

Attorney for Petitioner

August 25, 2016

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Appeal from Spartanburg County

Honorable R. Scott Sprouse, Circuit Court Judge  
\_\_\_\_\_

DAVID DWIGHT SMITH,

PETITIONER,

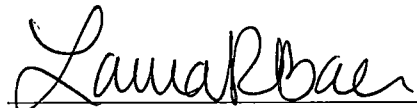
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

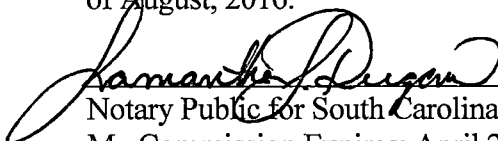
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Alicia Olive, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 25th day of August, 2016.



Laura R. Baer  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 25th day  
of August, 2016.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: April 27, 2026.