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4th AFB due 9/26/16

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Anderson County  
Honorable R. Scott Sprouse, Circuit Court Judge

RECEIVED

STATE,

SEP 26 2016

RESPONDENT Court of Appeals

V.

BILLY RAY SMITH,

APPELLANT

APPELLATE CASE NO. 2015-002543

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

Counsel for Billy Ray Smith respectfully requests a **fourth and final** extension of thirty (30) **until October 26, 2016**, days 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 fourth 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 three previous extensions.
2. Counsel for Billy Ray 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 his caseload, counsel hopes that no further extension requests will be required.

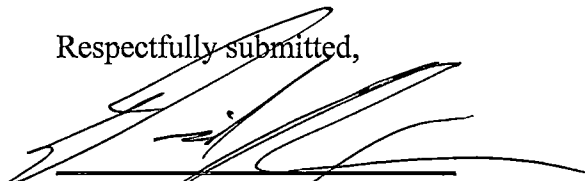
3. On September 22, 2016, counsel argued motions before the PCR court in Spartanburg, South Carolina, pursuant to the Supreme Court's remand Order in the death penalty case of Marion Alexander Lindsey v. State. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. Martin Rodriguez with the Court of Appeals on September 19, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Timothy Groves Oxendine with the Court of Appeals on September 14, 2016. Counsel had an oral argument in the case of State v. Corey Jamal Williams before the Court of Appeals on September 8, 2016. Counsel had an oral argument in the case of State v. Jimmy Turner before the Court of Appeals on September 7, 2016. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Dennis F. Sanders v. State with the Supreme Court on September 6, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jeramy Parks with the Court of Appeals on August 24, 2016. Counsel filed the reply brief of petitioner in the case of Randall S. Tyler v. State in the Supreme Court on August 18, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Filiberto Campos with the Court of Appeals on August 17, 2016. Counsel filed a petition for rehearing in the case of Darrell L. Goss v. State with the Court of Appeals on August 10, 2016. Along with co-counsel Chief Appellate Defender Robert M. Dudek, counsel filed the brief of petitioner in the death penalty case of Marion Bowman v. State with the Supreme Court on August 8, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Juan Smith with the Court of Appeals on August 8, 2016. Counsel filed petition for writ of certiorari and accompanying appendix in the case of Heyward Truesdale v. State with the Supreme Court on August 5, 2016. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Christopher Allen Middleton with the Court of Appeals on August 4, 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.

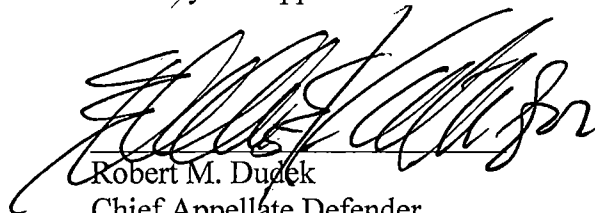
WHEREFORE, the undersigned counsel would respectfully request **a fourth and final thirty (30) day extension until October 26, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

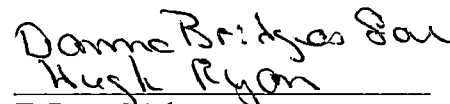


David Alexander  
Appellate Defender

Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender



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

This 26th day of September, 2016.

I consent:



J. Benjamin Aplin, Esquire