

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

Appeal from Greenville County

FEB 06 2017

Brian M. Gibbons, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT DAVIS SMITH,

APPELLANT

APPELLATE CASE NO. 2016-000576

**PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a **final thirty-day extension until March 8, 2017** in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by three prior orders of this Court.
2. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Leon James in this Court on February 3, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Corey Geddie v. State in this Court on




January 30, 2017. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Jason Gourdine in this Court on January 27, 2017. Counsel filed the petition for rehearing in the case of State v. Wayne Gary Polite in this Court on January 26, 2017. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Brandon Rashad Marshall in this Court on January 24, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Miller in this Court on January 18, 2017. Counsel filed the return to petition for rehearing in the case of State v. Walter M. Bash in the Supreme Court on January 17, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Tyrel Collins in the Supreme Court on January 3, 2017. Counsel filed the petition for rehearing in the case of State v. Keith Denver Tate in this Court on December 29, 2016. Counsel filed the initial reply brief of appellant In The Matter Of The Care And Treatment Of Keith Fitzgerald Burris in this Court on December 28, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Deshaun Jamel Fordham v. State in the Supreme Court on December 15, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Benjamin Cervantes-Hernandez in this Court on December 14, 2016.

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

4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

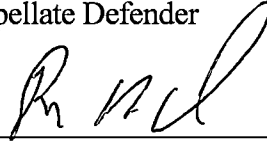
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension until March 8, 2017** in which to file the initial brief of appellant and designation of matter in this case. Counsel requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



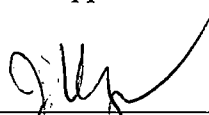
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Susan B. Hackett  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

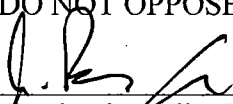


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T. Patton Adams, IV  
Executive Director or  
J. Hugh Ryan, III  
General Counsel

February 6, 2017

I DO NOT OPPOSE:



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J. Benjamin Aplin, Esquire