

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Honorable John C. Hayes, Circuit Court Judge

RECEIVED

FEB 13 2017

S.C. SUPREME COURT

DAVID I. SMITH,

PEITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2016-001823

MOTION TO HOLD TIME LIMITS IN ABEYANCE


Pursuant to Rule 240, SCACR, counsel for David I. Smith respectfully requests that this Court hold the time limits for filing the petition for writ of certiorari and accompanying appendix in abeyance pending receipt of a Motion to Reconsider Sentence Hearing Transcript dated November 17, 2014. In support of this request, counsel shows:

(1) The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed March 1, 2017.

(2) While preparing the petition for writ of certiorari counsel discovered that the Court held a Motion to Reconsider Sentence Hearing on November 17, 2014. Counsel was unaware of the Motion to Reconsider Sentence Hearing when ordering transcripts.

(3) Attached and made a part of this motion is the request to the court reporter for the transcript from the Motion to Reconsider Sentence Hearing on November 17, 2014.

WHEREFORE, counsel respectfully requests that this Court hold the time limits for filing the petition for writ of certiorari and accompanying appendix in abeyance pending receipt of Motion to Reconsider Sentence Hearing dated November 17, 2014.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

February 13, 2017.

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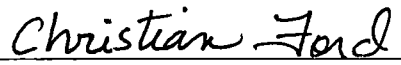
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Hold Time Limits in Abeyance in the above referenced case has been served upon Alicia Olive., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 13th day of February, 2017.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 13th day of February, 2017.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: March 1, 2026.