

STATE OF SOUTH CAROLINA

In The Supreme Court

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

Appellate Case No. 2016-000262

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RECEIVED

MAR 13 2017

S.C. SUPREME COURT

DAVID DWIGHT SMITH,

Petitioner,

v.

THE STATE OF SOUTH CAROLINA,

Respondent.

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**MOTION FOR FOURTH EXTENSION TO FILE  
RETURN TO PETITION FOR WRIT OF CERTIORARI**

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Respondent moves this Court, pursuant to Rule 263, SCACR, for an additional **five (5) day extension** of time in which to file the Return to Petition for Writ of Certiorari up to and including **March 20, 2017**. This is Respondent's fourth request for an extension of time in which to file the petition. In support of the request, undersigned counsel would respectfully show the Court:

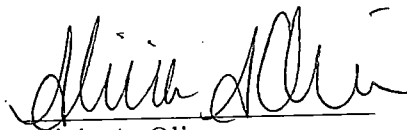
1. The Return to Petition for Writ of Certiorari is due to be filed with the Court today. The Court has granted Respondent three previous extensions.
2. The undersigned counsel for Respondent was recently assigned to this case due to the departure of an Assistant Attorney General.
3. This is the fourth request for an extension of time in which to file a response. Respondent is cognizant of this fact and makes this request, not for the purpose of

delay, but rather, due to heavy workload.

4. Respondent has consulted with opposing counsel, Laura Baer, Esquire, regarding this request, and Ms. Baer has indicated her consent to through email this date.

THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final five (5) day extension until March 20, 2017**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

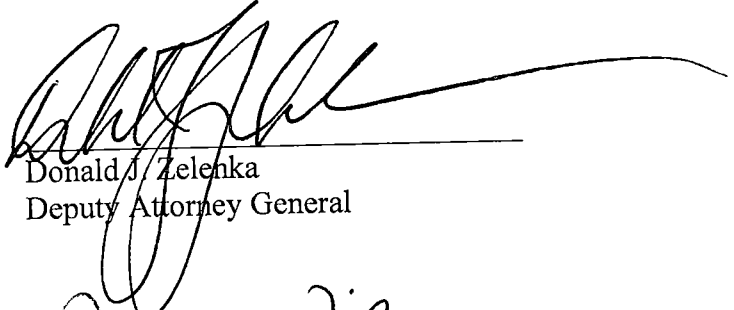
Respectfully submitted,



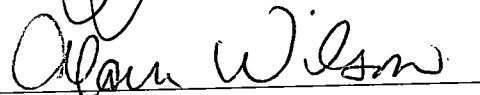
Alicia A. Olive  
Assistant Attorney General  
S.C. Bar # 102089

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737  
Attorney for Respondent

**We concur that extraordinary circumstances  
have been shown**



Donald J. Zelenka  
Deputy Attorney General



Alan Wilson  
Attorney General

This 13<sup>th</sup> day of March, 2017

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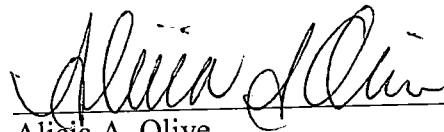
**CERTIFICATE OF SERVICE**

I, Alicia A. Olive, hereby certify that I have served the Motion for Fourth Extension to file the Return to Petition for Writ of Certiorari, on Petitioner by depositing a copy of same in the United States Mail, postage prepaid addressed to:

**Laura R. Baer, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589**

I further certify that all parties required by Rule to be served have been served.

This 13<sup>th</sup> day of March, 2017



Alicia A. Olive  
Assistant Attorney General  
S.C. Bar # 102089

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ATTORNEY FOR RESPONDENT