

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. Supreme Court

NOV 28 2012

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Certiorari to Horry County

Edward B. Cottingham, Circuit Court Judge

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NOV 28 2012

THE STATE,

S.C. Supreme Court

RESPONDENT,

V.

WESLEY SMITH,

PETITIONER

Appellate Case No. : 2011-188646

**PETITION FOR EXTENSION TO FILE
BRIEF OF PETITIONER
AND ADDITIONAL COPIES OF THE APPENDIX**

The undersigned counsel would respectfully request a **final thirty-day extension, until December 26, 2012** in which to file the brief of petitioner and additional copies of the appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The brief of petitioner and additional copies of the appendix in this case are due to be served and filed today having been extended by two prior orders of this Court.

2. Today, November 26, 2012, counsel is planning to file the initial brief of appellant and designation of matter in State v. Donte Reid. On November 15, 2012, counsel had an oral argument in the South Carolina Supreme Court in State v. Mark Baker. On November 9, 2012, counsel filed the Anders brief of appellant and record on appeal in State v. Timothy Young. Counsel filed the initial brief of appellant and designation of matter in State v. Alirio Ortiz in the Supreme Court on November 5, 2012. Counsel filed the initial

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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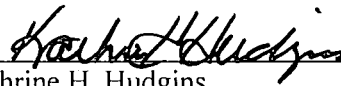
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2. Today, November 26, 2012, counsel is planning to file the initial brief of appellant and designation of matter in State v. Donte Reid. On November 15, 2012, counsel had an oral argument in the South Carolina Supreme Court in State v. Mark Baker. On November 9, 2012, counsel filed the Anders brief of appellant and record on appeal in State v. Timothy Young. Counsel filed the initial brief of appellant and designation of matter in State v. Alirio Ortiz in the Supreme Court on November 5, 2012. Counsel filed the initial

brief of appellant and designation of matter in State v. Antrell Felder and the brief of respondent in Cazario Marshall v. State on October 22, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in William Cornish v. State and Wiley Post James v. State on October 8, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Archie Hoover v. State on October 4, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Terrance Gist v. State on October 1, 2012.

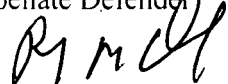
3. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request **a final thirty-day extension, until December 26, 2012** in which to file the brief of petitioner and additional copies of the appendix in this case. Counsel requests that the time limits for filing brief of petitioner and additional copies of the appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

November 26, 2012

I do not oppose:



Christina J. Catoc