

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

John C. Hayes, Circuit Court Judge

RECEIVED

JUL 17 2017

S.C. SUPREME COURT

DAVID I. SMITH,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001823

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a thirty day extension in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

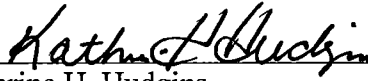
1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.
2. Counsel was out of the office taking family vacation from July 3, 2017 through July 12, 2017. Counsel filed the Brief of Petitioner in the case of The State of South Carolina v. Marshall D. McGaha with the Supreme Court on June 29, 2017. Counsel filed the Johnson

Petition for Writ of Certiorari in the case of The State of South Carolina v. Dyeshawn Foster with the Court of Appeals on June 22, 2017. Counsel filed the Petition for Writ of Certiorari in the case of The State of South Carolina v. William Anthony Butts with the Supreme Court on June 16, 2017. Counsel had an Oral argument in the case of The State of South Carolina v. Preston Oates on June 7, 2017. Counsel filed the Johnson Petition for Writ of Certiorari in the case of The State of South Carolina v. Jerry Stewart with the Supreme Court on June 2, 2017. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in the case of The State of South Carolina v. Michael Gentile with the Supreme Court on May 31, 2017. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State of South Carolina v. Thomas Stephen Acker with the Court of Appeals on May 30, 2017. Counsel filed the Brief of Petitioner in the case of The State of South Carolina v. Gary Eugene Lott with the Supreme Court on May 18, 2017. Counsel filed the Johnson Petition for Writ of Certiorari in the case of The State of South Carolina v. Charlie Belser with the Supreme Court on May 17, 2017.

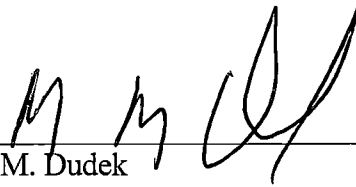
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

July 17, 2017

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County
John C. Hayes, Circuit Court Judge

DAVID I. SMITH,

PETITIONER,

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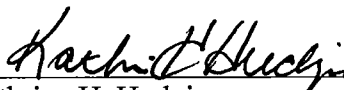
STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001823

CERTIFICATE OF SERVICE


The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Judah VanSyckel., Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 17th day of July, 2017.



Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 17th day of July, 2017.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 5, 2027.