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SEP 15 2017

September 15, 2017

S.C. SUPREME COURT

Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: Sean P. Smith v. State of South Carolina  
Appellate Case No. 2016-002413

Dear Mr. Shearouse:

The explanation as to whether the above-captioned case should be dismissed given petitioner's death is due to be served and filed today. I respectfully request a one-time ten day extension of this deadline. Counsel has spoken with PCR counsel Jonathan Waller, Esquire, about whether there were any extraordinary circumstances that might warrant the family of petitioner objecting to the dismissal of his appeal as moot. See, e.g. State v. McGettrick, 31 Ohio St.3d 138, 509 N.E.2d 378 (1987); State v. Makaila, 79 Haw. 40, 897 P.2d 967 (1995). Counsel would respectfully request this additional ten days to conduct further investigation, and legal research given that the court reporter request for the transcript of the PCR hearing was cancelled upon petitioner's death.

Thanking you for your cooperation and assistance in this matter.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/cnp

cc: James Clayton Mitchell, III, Esquire