

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Laurens County

Honorable Robin B. Stilwell, Circuit Court Judge  
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THE STATE,

RESPONDENT,

V.

ROY ELLIS SMITH,

APPELLANT

APPELLATE CASE NO. 2017-000532  
\_\_\_\_\_

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

Counsel for Roy Ellis Smith respectfully requests an extension of a **final thirty (30) days, until February 15, 2018**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Roy Ellis Smith respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

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previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

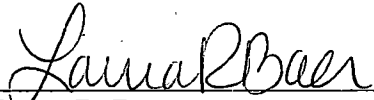
3. Counsel filed the brief of petitioner in Stephon Robinson v. State with the Supreme Court on January 12, 2018. Counsel filed the return to petition for writ of certiorari in State v. Eugene Gardner with the Supreme Court on December 29, 2017. Counsel filed the petition for writ of certiorari in Robin G. Reese v. State with the Supreme Court on December 27, 2017. Counsel filed the Motion to Dismiss the Notice of Appeal as Interlocutory in State v. Ronald Hakeem Mack with this Court on December 19, 2017. Counsel appeared in general session's court in Richland County for a hearing in State v. Michael A. Smith on December 7, 2017. Counsel filed the initial reply brief in State v. Michael J. Finley with this Court on December 5, 2017. Counsel filed the petition for rehearing in Richard Cappell v. State with this Court on December 5, 2017. Counsel was a guest speaker at the Appellate Practice Project: Presenting Cases to the Appellate Courts seminar in Columbia, South Carolina on November 30, 2017. Counsel filed the petition for rehearing in Esaiyeus F. Booker v. State with this Court on November 29, 2017. Counsel filed the petition for writ of certiorari in Abbdul O. Emmaunel v. State with the Supreme Court on November 20, 2017.

4. Counsel makes this request in good faith and not for purpose 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.

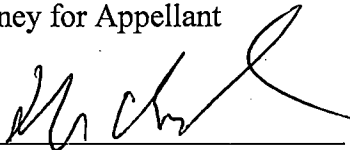
5. Counsel for the Attorney General's office consents to this request shown by signature below.

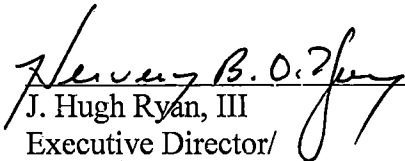
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until February 15, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

  
\_\_\_\_\_  
Laura R. Baer  
Appellate Defender

Attorney for Appellant

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

  
\_\_\_\_\_  
J. Hugh Ryan, III  
Executive Director/  
Hervery B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 16th day of January, 2018.

I consent:

  
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J. Benjamin Aplin, Esquire