

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

The Honorable Jocelyn Newman, Circuit Court Judge

Case No. 2015-CP-28-0002

RECEIVED

JAN 19 2018

S.C. SUPREME COURT

GREGORY VINCENT SMITH, #353524,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent,

**MOTION FOR FOURTH EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND APPENDIX**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The petition for a writ of certiorari and appendix are due to be served and filed on January 26, 2018.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth** extension in the above-referenced post-conviction relief appeal and asks for an additional thirty days to complete the petition in this case. In the past few weeks, the

undersigned has had a term of post-conviction relief court for the Fifth Judicial Circuit, prepared for another term of post-conviction relief court beginning January 22, 2018 (along with a status conference and preparation of the roster and subpoenas), filed a motion for reconsideration in circuit court, and written a return to petition for writ of certiorari that is due January 19, 2018, in the matter of Kadeem Johnson v. State, App. Case. No. 2017-00028.

III.

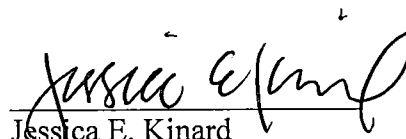
This extension request is not intended for purposes of delay, but rather to ensure that the petition is properly researched and prepared. The petition in the above case arises out of a murder and manufacturing methadone case and raises complicated issues on appeal. The undersigned is currently working on this petition and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the petition.

WHEREFORE, Respondent prays the Court extend the deadline for the service and filing of the petition for a writ of certiorari and appendix in this case for thirty days from the date such relief is granted and grant such other and further relief as the Court may deem just and proper based upon the above exigent circumstances.

THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty day extension** until **February 26, 2018**, in which to complete and file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

(Signature Page Follows)

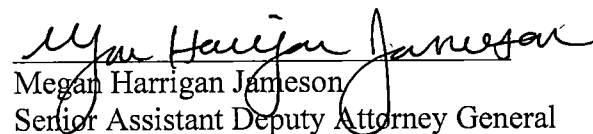
Respectfully submitted,



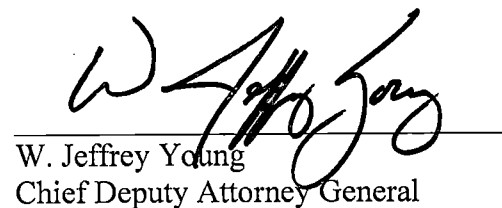
Jessica E. Kinard
Assistant Attorney General
S.C. Bar # 77889

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**



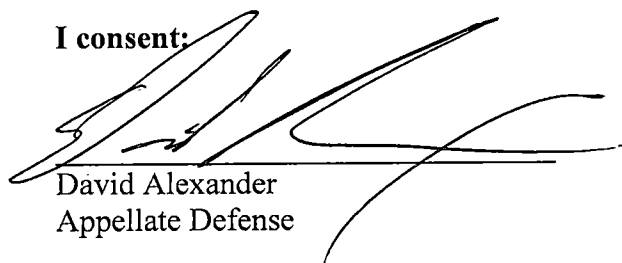
Megan Harrigan Jameson
Senior Assistant Deputy Attorney General



W. Jeffrey Young
Chief Deputy Attorney General

This 19th day of January, 2018

I consent:



David Alexander
Appellate Defense

THE STATE OF SOUTH CAROLINA
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Case No. 2015-CP-28-0002.

GREGORY VINCENT SMITH, #353524,

Respondent,

v.

STATE OF SOUTH CAROLINA,

Petitioner,


CERTIFICATE OF SERVICE

I, Jessica E. Kinard, hereby certify that I have served the Motion for Fourth Extension to file the Petition for Writ of Certiorari and Appendix, on Petitioner by depositing a copy of same in the United States Mail, postage prepaid addressed to:

**David Alexander, Esquire
S.C. Commission on Indigent Defense
1330 Lady St., Suite 401
PO Box 11589
Columbia, SC 29211**

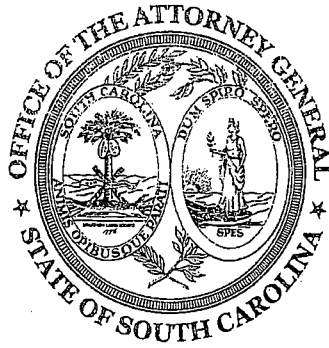
I further certify that all parties required by Rule to be served have been served.

This 19th day of January, 2018



JESSICA E. KINARD
Assistant Attorney General
S.C. Bar # 77889
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

January 19, 2018

RECEIVED

JAN 19 2018

S.C. SUPREME COURT

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

RE: Gregory Vincent Smith, #353524 v. State of South Carolina
Appellate Case No. 2017-001351
Lower Court Case No: 2015-CP-28-00002

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Motion for Fourth Extension to File Petition for Writ of Certiorari and Appendix** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,

Jessica E. Kinard
Assistant Attorney General
SC Bar No. 77889

JEK/fvh
Enclosures

cc: David Alexander, Esquire