

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Clarendon County

RECEIVED

Honorable D. Craig Brown, Circuit Court Judge

MAR 05 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JON PAUL SMART,

APPELLANT

APPELLATE CASE NO. 2017-001754

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

Counsel for Jon Paul Smart respectfully requests an extension of a **final thirty (30) days, until April 4, 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 Jon Paul Smart respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

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

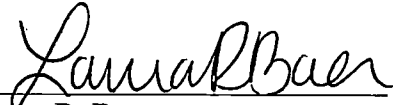
3. Counsel is filing the petition for writ of certiorari to the Court of Appeals in State v. Richard Capell with the Supreme Court today, March 5, 2018. Counsel filed the petition for rehearing in State v. Billy Phillips with this Court on March 1, 2018. Counsel filed the petition for writ of certiorari in Christopher Seabrook v. State with the Supreme Court on February 26, 2018. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Esaiveus Booker with the Supreme Court on February 20, 2018. Counsel filed the petition for rehearing in Justin Johnson v. State with the Court of Appeals on February 15, 2018. Counsel filed the initial brief of appellant in State v. Roy Smith with the Court of Appeals on February 15, 2018. Counsel filed the brief of respondent in Stephon Robinson v. State with this Court on February 9, 2018. Counsel filed the Anders brief of appellant in State v. Matthew Pickens with the Court of Appeals on February 8, 2018. Counsel filed the initial brief of appellant in State v. Ashley Tindall with the Court of Appeals on February 1, 2018. Counsel filed the initial brief of appellant in State v. Dinal Keith with the Court of Appeals on February 1, 2018. Counsel filed the petition for writ of certiorari in Alfred Henson v. State with this Court on January 29, 2018. Counsel filed the reply to return in Anthony Martin v. State with this Court on January 26, 2018. Counsel filed the brief of petitioner in Stephon Robinson v. State with this Court on January 12, 2018.

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.

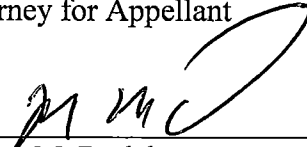
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until April 4, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

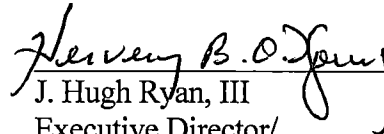


Laura R. Baer
Appellate Defender

Attorney for Appellant



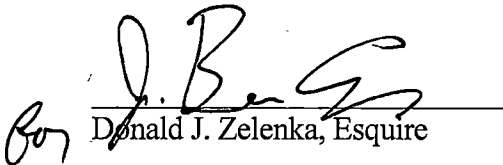
Robert M. Dudek
Chief Appellate Defender



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 5th day of March, 2018.

I consent:



Donald J. Zelenka, Esquire