

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Beaufort County

Brooks P. Goldsmith, Circuit Court Judge

RECEIVED
DEC 10 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

VAR SHEEN ANTUAN SMITH,

APPELLANT

Appellate Case No. 2018-000373

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

Counsel for Varsheen Antuan Smith respectfully requests a **final extension of thirty (30) days, until January 9, 2019**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. 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 four previous extensions.

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2. Counsel for Varsheen Antuan Smith 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 his caseload, counsel hopes that no further extension requests will be required.

3. Counsel is preparing the initial brief of appellant and designation of matter in the case of The State v. Timiya Rashad Massey to be filed with this Court on Wednesday December 12, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jammie Wilson with this Court on December 7, 2018. Counsel had an oral argument in the case of The State v. Edward Primo Bonilla before this Court on December 5, 2018. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Javon Gibbs with this Court on November 29, 2018. Counsel prepared a PowerPoint and presented at the Appellate Practice seminar on Friday, November 30, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Bernard Dewberry v. The State with the Supreme Court on November 26, 2018. Counsel filed the return to the State's petition for writ of certiorari in the case of The State v. Jeffrey Dana Andrews with the Supreme Court on November 19, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kyrief Kelly with this Court on November 16, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Larry Coles v. The State with the Supreme Court on November 15, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Brandon Greene v. The State with the Supreme Court on November 14, 2018. Counsel had an oral argument in the case of The State v. Jacob Hendricks before this Court on November 7, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Latrone Butler v. The State with the Supreme Court on November 2, 2018. Counsel presented at

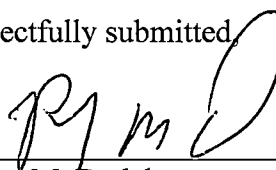
the criminal law Comcast CLE on October 31, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Theron Marquis Murray with this Court on October 25, 2018. Counsel had an oral argument in the case of The State v. Jalann Williams before the Supreme Court on October 18, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jamil Ali with this Court on October 17, 2018. Counsel had an oral argument in the case of The State v. Joseph Bowers before this Court on October 10, 2018. Counsel had an oral argument in the case of The State v. Teresa Ann McCracken-Hall before this Court on October 10, 2018. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training two less experienced appellate defenders.**

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.

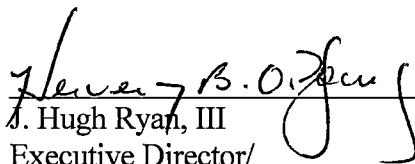
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until January 9, 2019**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



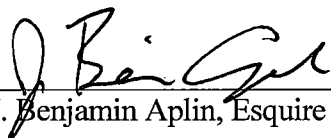
Robert M. Dudek
Chief Appellate Defender



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 10th day of December, 2018.

I consent:



J. Benjamin Aplin, Esquire