

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Robin B. Stilwell, Circuit Court Judge

THE STATE,

V.

BOBBY LEON SMITH,

RESPONDENT,

APPELLANT

APPELLATE CASE NO. 2018-000541

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

Counsel for Bobby Leon Smith respectfully requests a **fourth and final** extension of thirty days **until March 4, 2019**, 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 Bobby Leon Smith respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

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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.

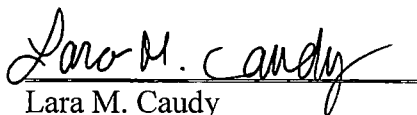
3. On January 31, 2019, counsel had an oral argument in State v. Wayland Purnell before the Supreme Court. On January 24, 2019, counsel filed a petition for writ of certiorari, brief of appellant pursuant to White v. State, and accompanying appendix in Antonio Ochoa-Tavera v. The State with the Supreme Court. On January 14, 2019, counsel filed the initial brief of appellant and designation of Matter in The State v. Montrelle Lamont Campbell with the Court of Appeals. On December 21, 2018, counsel filed the initial brief of appellant and designation of Matter in The State v. Darius Walker with the Court of Appeals. On December 11, 2018, counsel filed a petition for writ of certiorari and accompanying appendix in David Aldean Dickerson v. The State with the Supreme Court. On December 6, 2018, counsel filed a petition for writ of certiorari and accompanying appendix in Dominque Agurs v. The State with the Supreme Court. On November 30, 2018, counsel was a guest speaker during the breakout session at the Presenting Cases to the Appellate Courts continuing legal education seminar. On November 26, 2018, counsel filed the petition for writ of certiorari and accompanying appendix in Leon Simmons v. The State with the Supreme Court.

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 her 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.

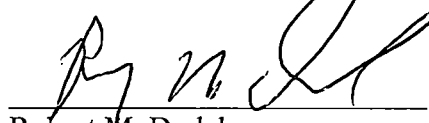
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty day extension** until **March 4, 2019**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

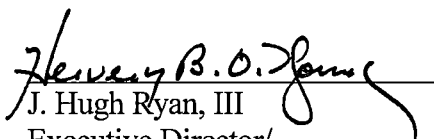


Lara M. Caudy
Appellate Defender

Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B.O. Young
General Counsel

This 1st day of February, 2019.

I consent:



J. Benjamin Aplin, Esquire