

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenwood County

Honorable Donald B. Hocker, Circuit Court Judge  
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ORIGINAL  
RECEIVED  
FEB 01 2019  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

THOMAS ALLEN SMITH,

APPELLANT

APPELLATE CASE NO. 2018  
\_\_\_\_\_

PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the petition for writ of certiorari in the case of The State v. Jovan Mitchell with the Supreme Court on January 22, 2019. Counsel filed the petition for writ of certiorari in the case of The State v. Timothy Beheler with the Supreme Court on January 22, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Peter Coffey with this Court on January 9, 2019. Counsel filed the initial brief of appellant and


designation of matter in the case of The State v. Michael Seals with this Court on January 3, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tyshun Bessellieu with this Court on January 2, 2019. Counsel filed the brief of respondent in the case of Eugene Austin Gardner, III v. The State with the Supreme Court on December 31, 2018. Counsel filed the petition for rehearing in the case of The State v. Robin Herndon with this Court on December 21, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Henry James Fickling, Jr. with this Court on December 18, 2018. Counsel filed the petition for writ of certiorari in the case of The State v. Terrance Johnson with the Supreme Court on December 18, 2018. Counsel filed the brief of respondent in the case of The State v. Vladimir Pantovich with the Supreme Court on December 17, 2018. Counsel filed the petition for writ of certiorari in the case of The State v. Michael Juan Smith with the Supreme Court on December 10, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Jimmy Ray Filyaw with the Court of Appeals on December 10, 2018. Counsel had an oral argument in the case of The State v. Maurice Marshall Harris before this Court on December 5, 2018. Counsel had an oral argument in the case of The State v. Aaron Van Hendrix before this Court on December 3, 2018.

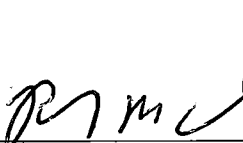
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. As indicated by the consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

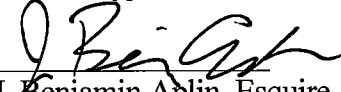
Respectfully submitted,

  
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David Alexander  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

This 1st day of February, 2019

I do not oppose:

  
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J. Benjamin Aplin, Esquire