

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenwood County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

THOMAS ALLEN SMITH,

RECEIVED  
APPELLANT MAR 04 2019  
SC Court of Appeals

APPELLATE CASE NO. 2018-001133

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

Counsel for Thomas Allen Smith respectfully requests a **fourth and final** extension of thirty (30) days **until April 3, 2019**, days 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 Thomas Allen 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 has an oral argument in the case of The State v. Darrell Ervin Raines, Jr. before this Court today, March 4, 2019. Counsel is filing the initial brief of appellant and designation of matter in the case of The State v. Scott Rowan with this Court today, March 4, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Johnny James Cook with this Court on February 26, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Casey Jones, Jr. with this Court on February 19, 2019. Counsel filed the petition for writ of certiorari in the case of Gabriel Gratto v. The State with the Supreme Court on February 14, 2019. Counsel filed the petition for writ of certiorari in the case of Jovan Mitchell v. The State with the Supreme Court on January 22, 2019. Counsel filed the petition for writ of certiorari in the case of Timothy Beheler v. The State 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.

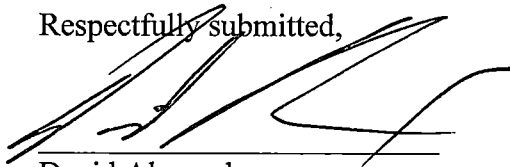
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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

WHEREFORE, the undersigned counsel would respectfully request **a fourth and final thirty (30) day extension** until **April 3, 2019**, in which to file the initial brief of appellant and

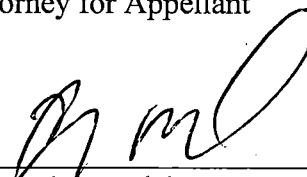
designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,

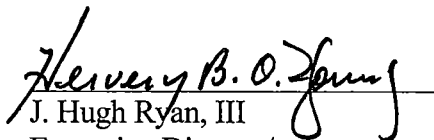


David Alexander  
Appellate Defender

Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender



J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 4th day of March, 2019.

I consent:



J. Benjamin Aplin, Esquire