

STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Horry County
The Honorable Edward B. Cottingham, Circuit Court Judge

Opinion No. 4785 (S.C. Ct. App. filed Jan. 26, 2011)
Appellate Case No. 2011-188646

RECEIVED

MAR 29 2013

THE STATE OF SOUTH CAROLINA,

S.C. Supreme Court
RESPONDENT,

v.

WESLEY SMITH,

PETITIONER.

**PETITION FOR FIFTEEN-DAY EXTENSION OF TIME TO SERVE AND FILE THE
BRIEF OF RESPONDENT**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

The Brief of Respondent in this case is due to be served and filed on March 29, 2013. Two previous extensions have been granted by this Court. Undersigned counsel delivered a baby on January 9, 2013, and returned from maternity leave on February 25, 2013. Since returning to work, counsel has argued two cases in the Court of Appeals on March 5, 2013 (State v. Byers and State v. Cobb), and submitted briefs in the following matters: Kevin Davonne Cox v. State, State v. Alton Wesley Gore, State v. Travis Teasley, State v. Doyle Marion Garrett, Somjai Fung Fue Starnes v. State, and State v. Kristopher Wilmont Berry. Counsel also completed a twenty-seven page post-conviction relief order for a post-conviction relief case that the Honorable George C. James, Jr., had under advisement. Counsel has an

Initial Brief due on Monday, April 1, 2013, in the Court of Appeals in the matter of State v. Arthur Smith, and three previous extensions have already been requested in this matter.

In light of the foregoing, undersigned counsel has been unable to complete the Brief of Respondent in the above-captioned matter. Therefore, Respondent is respectfully requesting a fifteen-day extension of time within which to serve and file the Brief of Respondent.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. Undersigned counsel does not anticipate having to request any further extensions in this matter.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Brief of Respondent in this case for fifteen (15) days.

Respectfully submitted,

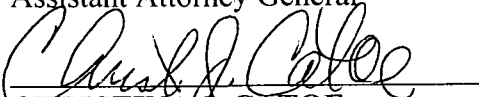
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ATTORNEYS FOR RESPONDENT

March 29, 2013

STATE OF SOUTH CAROLINA
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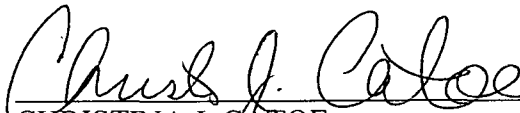
v.

WESLEY SMITH,

PETITIONER.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the **Petition for Fifteen-Day Extension of Time in which to Serve and File the Brief of Respondent** in the above-referenced case has been served upon **KATHRINE H. HUDGINS**, Division of Appellate Defense, South Carolina Commission on Indigent Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589, this **29th day of March, 2013**.


CHRISTINA J. CATOE
Assistant Attorney General

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