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Jun 05 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Beaufort County

Robert J. Bonds, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

CODRIAN D. SMALLS,

APPELLANT

APPELLATE CASE NO. 2022-000709

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

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Counsel for Codrian Smalls respectfully requests a **fourth and final thirty (30) day extension until July 5, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced 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 in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.

2. Counsel for Codrian Smalls, 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 her caseload, counsel hopes that no further extension requests will be required.

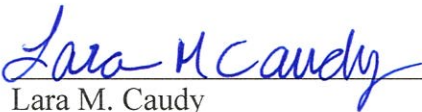
3. Counsel is currently preparing for an oral argument in The State v. Lutavious Denard Elmore scheduled for June 8, 2023 before the Court of Appeals. On May 30, 2023, counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in Matthew C. Dwyer v. The State with the Supreme Court. On May 26, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Mary Nimmons Patrick v. The State with the Supreme Court. On May 16, 2023, counsel had an oral argument in The State v. Robert Lee Miller before the Supreme Court. On May 4, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Eddie Motts v. The State with the Supreme Court. On April 28, 2023, counsel, along with co-counsel, filed the reply brief of petitioner in Marion Alexander Lindsey v. The State with the Supreme Court. On April 28, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Kyndra Howell v. The State with the Supreme Court. On April 25, 2023, counsel filed the initial reply brief of appellant in The State v. Bowen Gray Turner with the Court of Appeals. On April 19, 2023, counsel filed the initial brief of appellant and designation of matter in The State v. George Holmes with the Court of Appeals.

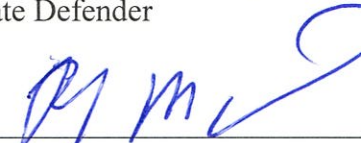
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that her caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.


5. On May 31, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **July 5, 2023**, in which to serve and 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

  
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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 5th day of June, 2023.

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THE STATE,

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V.

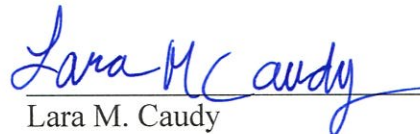
CODRIAN D. SMALLS,

APPELLANT

APPELLATE CASE NO. 2022-000709  
\_\_\_\_\_

CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies that a copy of the Motion for an Extension of Time to Serve and File the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon William M. Blich Jr., Esquire, at the primary email address listed in the Attorney Information System (AIS), this 5th day of June, 2023.



\_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Leverett, Scott](#)  
**To:** [SC - BLITCH WILLIAM](#)  
**Cc:** [SC - COLLINS CAROLINE](#); [Caudy, Lara](#)  
**Subject:** Codrian D. Smalls - Extension 4 - Appellate Case No. 2022-000709  
**Date:** Monday, June 5, 2023 1:05:00 PM  
**Attachments:** [Codrian D. Smalls - Extension 4 - Appellate Case No. 2022-000709.pdf](#)

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Dear Mr. Blitch,

Attached please find a copy of the fourth extension in the above referenced case that is being filed today, June 5, 2023, with the Court of Appeals.

-Scott Leverett  
for Hannah Bryant  
Admin. Asst. for Lara Caudy  
Appellate Defense