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Jun 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2022-000723

THE STATE,

Respondent,

vs.

ERYK J'VON SMITH,

Appellant.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on June 16, 2023.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Since requesting the last extension in this matter I have filed the Final Brief Of Respondent in State v. William Cornelius Sanders (2021-001536) on May 19, 2023; the Initial Brief Of Respondent and Designation Of Matter in

State v. Kelsey Nicole Spurlock (2022-000476) and a Return To Petition For Writ Of Certiorari in Deangelo Brown v. State (2022-001395) both on May 30, 2023. The undersigned also was away from the office during part of the last month due to the unexpected death of a close family member.

III.

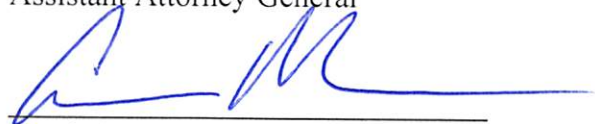
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload coupled with other challenges stemming from staffing issues within the South Carolina Attorney General's Office's post-adjudication section. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

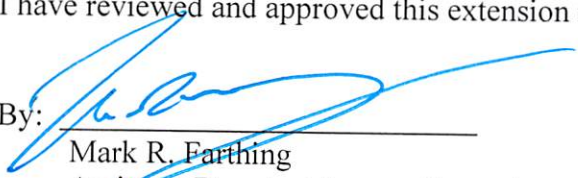
AMBREE M. MULLER
Assistant Attorney General



S.C. Bar Number 104213

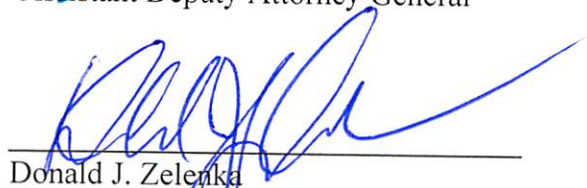
I have reviewed and approved this extension request..

By:



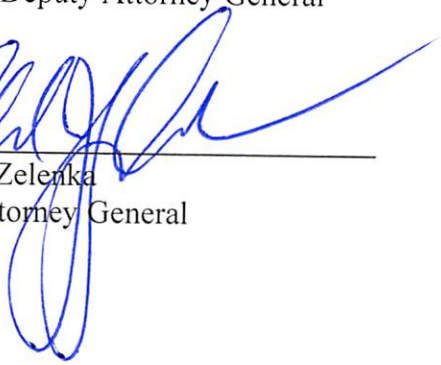
Mark R. Farthing
Assistant Deputy Attorney General

By:



Donald J. Zelenka
Deputy Attorney General

June 16, 2023



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CERTIFICATE OF SERVICE

I, Anne Mueller, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy to Sarah Elizabeth Shipe, Appellant's counsel of record, to the address listed for counsel on AIS.

I further certify all parties required by Rule to be served have been served.
This 16th day of June 2023.



Anne A. Mueller
Legal Assistant

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Columbia, SC 29211
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SC Court of Appeals

From: [Anne Mueller](mailto:Anne.Mueller@scad.uscourts.gov)
To: sshipe@sccid.sc.gov
Cc: hbryant@sccid.sc.gov; [Ambree Muller](#); [Anne Mueller](#)
Bcc: [Victim Services](#)
Subject: The State v. Eryk J Von Smith, 2022-000723
Date: Friday, June 16, 2023 2:57:00 PM
Attachments: [image001.png](#)
[Smith Eryk - 2022-000723 - Motion For Fourth Extension Of Time \(03312941xD2C78\).PDF](#)

Good afternoon, Ms. Shipe.

Attached to this email is the State's Motion For Fourth Extension Of Time Within Which To Serve And File Initial Brief Of Respondent And Designation Of Matter. The Motion will be filed today using the Court's AIS One Drive System following service.

Sincerely,

Anne Mueller, Legal Assistant for Assistant Attorney General Ambree M. Muller

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