

Sep 13 2023

SC Court of Appeals

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September 13, 2023

The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

1220 Senate St.

Columbia, S.C. 29201

Re: State v. Charles A. Smalls; Appellate Case No. 2022-001532

Dear Ms. Kitchings.

The Initial Brief of Appellant in the above captioned matter is due for service and filing tomorrow, September 14, 2023. Unfortunately, I have not yet been able to complete this brief due to my ongoing preparations for a murder trial scheduled for a date certain, October 30, 2023, in Jasper County. In addition, I need to obtain some exhibits from the Clerk of Court's Office and I need to verify with trial counsel that there were no earlier pre-trial motion hearings in this case that will require me ordering one or more additional transcripts before this direct appeal can move forward.

For these reasons, I am respectfully requesting a thirty (30) day extension of time in which to serve and file the Initial Brief of Appellant; which would make the due date for the Initial Brief of Appellant October 14, 2023. This is my first extension request at this stage of this direct appeal. Unfortunately, I will likely need to request a second extension on or before October 14, 2023, inasmuch as the murder trial I am preparing for begins only sixteen days later. For now, I would very much appreciate the thirty day extension requested. I did not get the chance to speak with, opposing counsel, Melody Jane Brown, about this request, but I have copied her on this correspondence and the transmittal letter submitted with it. I have filed a COS along with this correspondence. I trust Ms. Brown will advise the Court directly if she has any objection to my request. Thank you very much for your assistance.

Sincerely

S/ *Tara D. Shurling*

Tara Dawn Shurling

Attorney at Law

TDS/ts

Cc: Melody Jane Brown, Esquire (served by email)

Charles A. Smalls, SCDC No. 00389372

Ms. Kitty Smalls

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

County of Calhoun
Appellate Case No. 2022-001532

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

CHARLES A. SMALLS,

APPELLANT.

CERTIFICATE OF SERVICE

Undersigned Counsel hereby certifies that a copy of her request for a first extension of time in which to serve and file the Initial Brief of Appellant in the above captioned direct appeal has been served upon opposing counsel, Melody J. Brown, Esquire, this 3rd day of September. Service was accomplished by sending a copy of the correspondence to the South Carolina Court of Appeals as well as a copy of this COS, to Attorney Brown by email to the address listed below.

MBrown@scag.gov

S/ *Tara D. Shurling*

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ATTORNEY FOR APPELLANT

This 18th day of September, 2023