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Mar 08 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Darlington County

Thomas W. Cooper, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

JAMES E. SMITH,

APPELLANT

APPELLATE CASE NO. 2023-000798

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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 James E. Smith respectfully requests a thirty (30) day extension in which to serve and 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 third 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 today.

2. On March 8, 2024, counsel filed the petition for writ of certiorari, the brief of appellant pursuant to White v. State, and the accompanying appendix in Anthony Sanders v. State with the Supreme Court. On March 1, 2024, counsel filed the initial brief of appellant and


designation of matter in The State v. Randy Dean Grainger with the Court of Appeals. On February 20, 2024, counsel filed the initial brief of appellant and designation of matter in The State v. JeJauncey Harrington with the Court of Appeals. On February 2, 2024, counsel, along with co-counsel, filed a reply in State of South Carolina v. Timothy Ray Jones, Jr. with the United States Supreme Court. On January 24, 2024, counsel filed the initial brief of appellant and designation of matter in The State v. Clayton Thomas Jones with the Court of Appeals. On January 18, 2024, counsel filed an amended application for post-conviction relief in Artrell Hickson v. The State with the Aiken County Clerk of Court. On January 17, 2024, counsel filed the initial brief of appellant and designation of matter in The State v. Reno Blakely with the Court of Appeals.

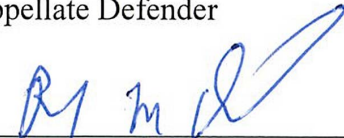
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On February 28, 2024, 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 March 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
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Lara M. Caudy  
Appellate Defender

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

This 8th day of March, 2024.

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 8th day of March, 2024.



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Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Mcinnis, Sara](#)  
**To:** [Mark Farthing](#)  
**Cc:** [ccollins@scag.gov](mailto:ccollins@scag.gov); [Caudy, Lara](#)  
**Subject:** 2023-000798 The State v. James E. Smith Extension 3  
**Date:** Friday, March 8, 2024 3:50:00 PM  
**Attachments:** [2023-000798 The State v. James E. Smith Extension 3.pdf](#)

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Good Afternoon Mr. Farthing,

Please find attached for service in the above-referenced case the third motion for an extension of time to file the Initial Brief of Appellant and Designation of Matter, which will be filed with the Court of Appeals today, March 8, 2024, via email filing.

Thank you!

**Sara McInnis**

Administrative Assistant  
South Carolina Commission on Indigent Defense  
Appellate Division  
(803) 734-1330