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Apr 08 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Darlington County

Thomas W. Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES EARL SMITH,

APPELLANT

APPELLATE CASE NO. 2023-000798

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

Counsel for James E. Smith respectfully requests a **fourth and final thirty (30) day extension until May 8, 2024**, 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.
2. Counsel for James E. Smith 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. On April 5, 2024, counsel filed the return to the petition for writ of certiorari to the Court of Appeals in The State v. Donnielle Matthews with the Supreme Court. On April 3, 2024, counsel filed the initial brief of appellant and designation of matter in The State v. Robert Belcher with the Court of Appeals. On March 27, 2024, counsel filed the petition for writ of certiorari and accompanying appendix in Mark Earls v. The State with the Supreme Court. On March 21, 2024, counsel filed the brief of appellant and designation of matter in The State v. Fernando Wright with the Court of Appeals. On March 18, 2024, counsel filed the initial brief of respondent and designation of matter in The State v. Juan Manuel Ramirez Sandoval with the Court of Appeals. On March 14, 2024, counsel filed the return to the petition for writ of certiorari in Gabriel Rios v. The State with the Supreme Court. On March 8, 2024, counsel filed the petition for writ of certiorari, brief of appellant pursuant to White v. State, and accompanying appendix in Anthony Sanders v. The State with the Supreme Court.

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 the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

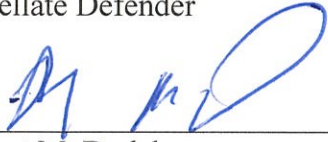
5. On March 29, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through April 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until May 8, 2024**, 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



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 8th day of April, 2024.

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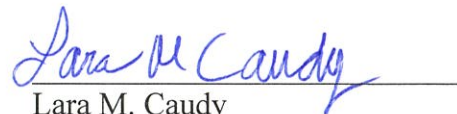
JAMES EARL SMITH,

APPELLANT

APPELLATE CASE NO. 2023-000798

CERTIFICATE OF SERVICE

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 his primary email address listed in the Attorney Information System (AIS), this 8th day of April, 2024.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: [Caudy, Lara](#); ccollins@scag.gov
Subject: 2023-000798 The State v. James E. Smith Extension 4
Date: Monday, April 8, 2024 8:47:00 AM
Attachments: [2023-000798 The State v. James E. Smith Extension 4.pdf](#)

Good Morning Mr. Farthing,

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

Thank you!

Sara McInnis

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