

**RECEIVED**  
**May 16 2024**  
**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Honorable Clifton Newman, Circuit Court Judge

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Case No. 2022-001151  
(2013-CP-10-05276)

Herbert Smalls, ..... Petitioner,

vs.

State of South Carolina, ..... Respondent.

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**MOTION FOR EXTENSION TO FILE PETITIONER’S BRIEF**

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Counsel respectfully requests additional time to file the Petitioner’s Brief in this case. It is currently due May 17, 2024. Counsel had an oral argument at the 10<sup>th</sup> Circuit Court of Appeals in Denver, Colorado on May 16, 2024. *USA v. Francis Joseph*, Case 23-1192. Additionally, she has a rebuttal brief due in a federal Mississippi capital case due May 22, 2024. *Moffett v. Epps*, C/A: 3:14-cv-00639. Respectfully she asks for 10 days to file the petitioner’s brief so it will be due **May 27, 2024**.

Respectfully submitted,

/s/ Elizabeth Franklin-Best  
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May 16, 2024

**CERTIFICATE OF SERVICE**

Counsel hereby certifies she has served a copy of this motion on Mark Farthing of the AG's office via email at [MFarthing@scag.gov](mailto:MFarthing@scag.gov) on this date, May 16, 2024.

/s/ Elizabeth Franklin-Best