

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RODNEY NESMITH,

APPELLANT

APPELLATE CASE NO. 2023-001854

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

Counsel for Rodney Nesmith respectfully requests a **fourth and final thirty (30) day extension from August 5, 2024 until September 4, 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 Rodney Nesmith 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. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jonathan Hughes v. State with the Supreme Court on July 31, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Kenny Octavis Ruff v. State with the Supreme Court on July 24, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Amber Manning with the Court of Appeals on July 5, 2024. Counsel filed the Return to the Petition for Writ of Certiorari in the case of Erick E. Wells v. State with the Supreme Court on June 21, 2024. Counsel filed the Brief of Petitioner in the case of DeAngelo Brown v. State with the Court of Appeals on June 20, 2024.

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 July 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 August 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from August 5, 2024 until September 4, 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.

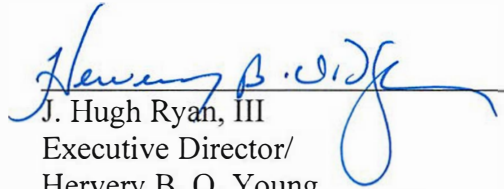
Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 5th day of August, 2024.

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Aug 05 2024

SC Court of Appeals

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Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

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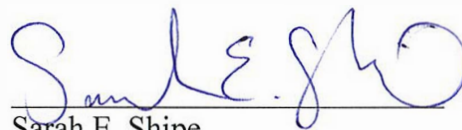
RODNEY NESMITH,

APPELLANT

APPELLATE CASE NO. 2023-001854

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 R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 5th day of August, 2024.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: ccollins@scag.gov; [Shipe, Sarah](#)
Subject: 2023-001854 The State v. Rodney Nesmith Extension 4
Date: Monday, August 5, 2024 9:36:00 AM
Attachments: [2023-001854 The State v. Rodney Nesmith 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 serve and file the initial brief of appellant and designation of matter. This motion will be filed with the Court of Appeals today, August 5, 2024, via email filing.

Thank you!

Sara McInnis

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