

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Aug 14 2024

SC Court of Appeals

Appeal from Darlington County  
The Honorable Thomas W. Cooper, Circuit Court Judge  
Appellate Case No. 2023-000798

THE STATE,

Respondent,

vs.

JAMES EARL SMITH,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on August 14, 2024.

**II.**

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has filed a Return to Petition for Writ of Certiorari in the Supreme Court in Tyrone Benn

v. State (2023-001329), a Brief of Respondent in the Court of Appeals in Johnny Haggins v. State (2022-000176), a Petition for Rehearing in the Supreme Court in The State v. Adam Rowell (2022-000571), an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in The State v. Samuel T. Riser (2023-000743), a Return to Petition for Writ of Certiorari in the Supreme Court in Timothy Harrison v. State (2023-001858), a Final Brief of Respondent in the Court of Appeals in The State v. Lillian Bates (2023-000483), a Final Brief of Respondent in the Court of Appeals in The State v. Celia Windham (2023-000283); and has filed a Brief of Respondent in the Supreme Court in Herbert Smalls v. State (2022-001151).

### III.

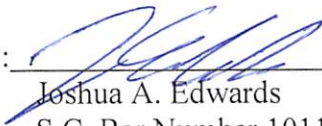
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

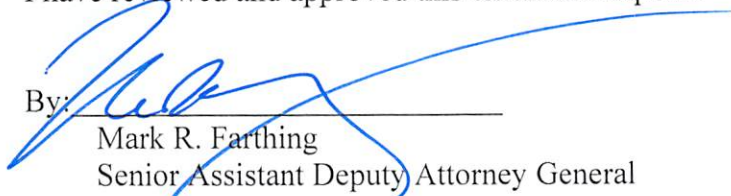
Respectfully submitted,

ALAN WILSON  
Attorney General

JOSHUA A. EDWARDS  
Assistant Attorney General

By:   
Joshua A. Edwards  
S.C. Bar Number 101188

I have reviewed and approved this extension request.

By:   
Mark R. Farthing  
Senior Assistant Deputy Attorney General

August 14, 2024

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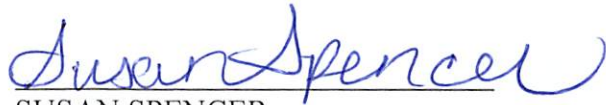
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**PROOF OF SERVICE**

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I, Susan Spencer, certify I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to Lara M. Caudy to the address listed in AIS .

I further certify all parties required by Rule to be served have been served.  
This 14<sup>th</sup> day of August, 2024.



SUSAN SPENCER

Legal Assistant

Office of the Attorney General