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Oct 10 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from State Grand Jury County
R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL JUAN SMITH,

APPELLANT

APPELLATE CASE NO. 2023-001893

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

Counsel for Michael Juan Smith respectfully requests a thirty (30) day extension from October 10, 2024, until November 12, 2024, 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. Counsel filed the Brief of Appellant and the Record on Appeal in the case of The State v. Kweisi Nicks with the Court of Appeals on October 4, 2024. Counsel appeared for Oral Argument in the case of The State v. Bradley Corlew before the Court of Appeals on September 24, 2024. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Kadidas R. Gossett with the Court of Appeals on September 17, 2024. Counsel filed the


Initial Brief of Appellant and Designation of Matter in the case of The State v. Tony T. Sweet with the Court of Appeals on September 11, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Rodney Nesmith with the Court of Appeals on September 4, 2024. Counsel represented the appellant at his reconstruction hearing in The State v. Michael D. Williams before the circuit court on September 2, 2024.

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 September 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 October 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from October 10, 2024, until November 12, 2024. 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,



Sarah E. Shipe
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 10th day of October, 2024.

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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 10th day of October, 2024.


Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Shipe, Sarah](#); [Caroline Collins](#)
Subject: 2023-001893 The State v. Michael Juan Smith
Date: Thursday, October 10, 2024 10:04:00 AM
Attachments: [2023-001893 The State v. Michael Juan Smith Third Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Third Motion for Extension which will be filed today, October 10, 2024, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

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