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Nov 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from State Grand Jury

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 **fourth and final thirty (30) day extension from November 12, 2024 until December 12, 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 Michael Juan 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. Counsel filed the Return to Petition for Writ of Certiorari to the Court of Appeals in the case of In the Matter of the Care and Treatment of James L. Williford with the Supreme Court on November 5, 2024. Counsel filed the Brief of Appellant and the Record on Appeal in the case of The State v. Felicia Danielle Turnage with this Court on November 1, 2024. Counsel filed the Brief of Appellant and the Record on Appeal in the case of The State v. Vincent Dwight with this Court on October 30, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Wayne Hankinson v. The State with the Supreme Court on October 28, 2024. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Kweisi Nicks with this Court on October 4, 2024. Counsel appeared for Oral Argument in the case of The State v. Bradley Corlew before this Court on September 24, 2024. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Kadidas R. Gossett with this Court 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 this Court 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 this Court on September 4, 2024. Counsel appeared on behalf of appellant at a Reconstruction Hearing in the case of The State v. Michael D. Williams on September 2, 2024.

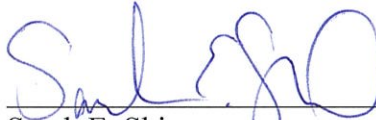
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be

requested.

5. On October 31, 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 November 30, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from November 12, 2024 until December 12, 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.

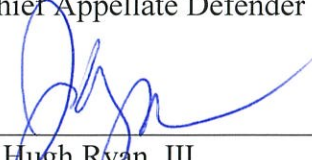
Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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

This 12th day of November, 2024.

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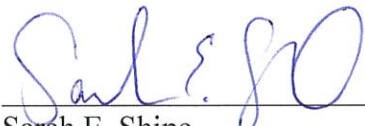
MICHAEL JUAN SMITH,

APPELLANT

APPELLATE CASE NO. 2023-001893

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 the primary e-mail address listed in the Attorney Information System (AIS), this 12th day of November, 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: Tuesday, November 12, 2024 10:29:00 AM
Attachments: [2023-001893 The State v. Michael Juan Smith Fourth Motion for Extension.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fourth Motion for Extension which will be filed today, November 12, 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