

**RECEIVED**

**Mar 26 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEE COUNTY  
R. Ferrell Cothran, Circuit Court Judge

Appellate Case No. 2023-001893

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THE STATE,

Respondent,

v.

MICHAEL JUAN SMITH,

Appellant.

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

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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 March 26, 2025.

**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 *State v. Bradley Corlew* (2025-

000240), an Initial Brief of Respondent and Designation of Matter in *Nathanael Whitwood v. State* (2024-001319) and *State v. Akim Jean-Charles* (2023-000251), a Final Brief of Respondent in *Benjamin Hays v. State* (2024-000929); and a Final Brief of Appellant and Record on Appeal in *State v. Richard Anderson* (2024-000732).

**III.**


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

J. BENJAMIN APLIN  
Assistant Attorney General

By:   
\_\_\_\_\_  
J. Benjamin Aplin  
S.C. Bar Number 8729

I have reviewed and approved this extension request.

By:

A handwritten signature in blue ink, appearing to be 'Mark R. Farthing', is written over a horizontal line. The signature is stylized and loops around the line.

Mark R. Farthing  
Senior Assistant Deputy Attorney General

March 26, 2025

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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 Sarah E. Shipe, Esquire at the address listed for counsel in AIS.

I further certify all parties required by Rule to be served have been served.  
This 26<sup>th</sup> day of March, 2025.



SUSAN SPENCER

Legal Assistant

Office of the Attorney General