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Jul 07 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Florence County
The Honorable H. Steven DeBerry, Circuit Court Judge

THE STATE,

Respondent,

v.

WILLIE JAMES SMITH,

Appellant.

Appellate Case No. 2024-000879

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

Undersigned counsel would respectfully request a thirty (30) day extension up to and including August 6, 2025, in which to serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all extension requests through July 31, 2025. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of matter are due today, July 7, 2025. Pursuant to this Court's Order dated June 5, 2025. Undersigned counsel for Respondent has had a number of state and federal matters to attend since June 5, 2025, most notably in capital cases and federal actions, which include, but are limited to the following: prepared and filed a Memorandum of Appealability and Motion to Certify Case for Review by the South Carolina Supreme Court (*Casey Douglas, June 9, 2025*); Prepared and filed a Response to Motion to Alter or Amend Judgment in

a capital PCR Matter (*Louis Winker, June 11, 2025*); prepared and filed a Response in Opposition to Rule 60(b) Motions in two non-capital federal habeas actions (*Xavier Perry, July 1, 2025, Terrell McCoy, July 2, 2025*); reviewed and filed a joint status report in a stayed capital federal habeas action (*Bobby Stone, June 17, 2025*); and attended an competency evaluation of a death row inmate (*John Wood, June 18, 2025*).

Due to counsel's involvement in the above listed matters, and other matters pending in state and federal court currently being reviewed, and also considering counsel's administrative responsibilities as supervisor for murder appeals, federal habeas corpus actions, capital litigation, and Thirteenth Circuit PCR actions and appeals, counsel has been unable to timely complete the Initial Brief of Respondent and Designation of Matter. However, substantial review of the materials in this matter is presently occurring and the undersigned has associated help in completing the briefing in an attempt to prevent further extensions.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

MacKINNON WESTRAAD
Assistant Attorney General

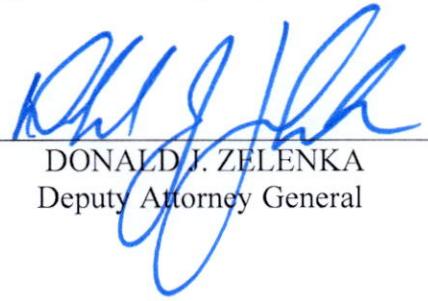
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

s/Melody J. Brown

By: _____
MELODY J. BROWN
S.C. Bar No: 14244
ATTORNEYS FOR RESPONDENT

July 7, 2025

I support the finding of good cause.

By:  _____
DONALD J. ZELENKA
Deputy Attorney General

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PROOF OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Motion for Extension of Time to Serve and File the Initial Brief of Respondent and Designation of Matter, along with Certificate of Service has been forwarded to Appellant's counsel, Kathrine H. Hudgins, Esquire via email today, July 7, 2025 to Khudgins@sccid.sc.gov and to her assistant Chris Stock at CStock@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This is the 7th day of July, 2025.

s/ Angela Brown
Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General

Angela Brown

From: Angela Brown
Sent: Monday, July 7, 2025 11:00 AM
To: Hudgins, Kathrine; Stock, Chris
Cc: Melody Brown; Mackinnon Westraad
Subject: The State v. Willie Smith (2024-000879)
Attachments: Smith, Willie - Motion for Extensin for IBOR.pdf

Ms. Hudgins, please find attached the state's motion for an extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in the above referenced appeal. The request will be electronically filed with the South Carolina Court of Appeals on today's date.

Thank you,

Angela Bennett Brown, Administrative Coordinator II
Office of the South Carolina Attorney General
Criminal Division | Office [803-734-0368](tel:803-734-0368) | Abennett@scag.gov
P.O. Box 11549 | Columbia, SC 29211



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