

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Roger M. Young, Circuit Court Judge

SAMUEL SMILEY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000337

MOTION FOR AN EXTENSION TO SERVE AND FILE
THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Samuel Smiley respectfully requests a **final thirty (30) day extension, until September 17, 2025**, in which to serve and file the petition for writ of certiorari and appendix 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 petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for Samuel Smiley respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of

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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 initial brief of appellant and designation of matter in the case of The State v. Travis Alston with the Court of Appeals on August 15, 2025. Counsel filed the brief of appellant pursuant to White v. State in the case of Jonathan Nieves v. The State with the Supreme Court on August 13, 2025. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jonathan Nieves v. The State with the Supreme Court on August 18, 2025. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Mustafa Salaam with the Court of Appeals on August 8, 2025. Counsel filed the initial brief of respondent in the case of The State v. Gene Alexzander Scott with the Court of Appeals on July 30, 2025. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Zachir Devaunte Shyiim McCall with the Supreme Court on July 23, 2025. Counsel filed the brief of appellant pursuant to White v. State in the case of Shelly Faulling v. The State with the Supreme Court on July 9, 2025. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Shelly Faulling v. The State with the Supreme Court on July 9, 2025. Counsel filed the initial brief of respondent in the case of The State v. John Wilson Williamson, III, et al. with the Court of Appeals on July 7, 2025. Counsel filed the reply to return to petition for writ of certiorari in the case of Edward Bonilla v. The State with the Supreme Court on June 18, 2025. Counsel filed the petition for rehearing in the case of The State v. Zachir McCall with the Court of Appeals on June 12, 2025. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Myron Cannon v. The State with the Supreme Court on June 6, 2025.

4. Counsel makes this request in good faith and not for purpose of delay.

5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty-day general consent granted by email from Deputy Attorney General Donald J. Zelenka dated July 29, 2025 for all Appellate Defense extensions through August 31, 2025.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until September 17, 2025**, in which to serve and file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition for writ of certiorari and appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Jordan Wayburn
Appellate Defender



Wanda H. Carter
Interim Chief Appellate Defender

This 18th day of August, 2025.