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Feb 23 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Vernon F. Dunbar, Circuit Court Judge

ROBERT DAVIS SMITH, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002223

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

Counsel for Robert Davis Smith respectfully requests an extension of thirty (30) days from February 23, 2026, until March 25, 2026, 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 second 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 Robert Davis 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 Johnson Petition for Writ of Certiorari and Appendix in the case of Devonte T. Major v. The State with the Supreme Court on February 20, 2026. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Mark S. Wingo v. The State with the Supreme Court on February 13, 2026. Counsel filed the Johnson Petition for Writ of Certiorari and the Appendix in the case of James Lee McCoy, II v. The State with the Supreme Court on January 23, 2026. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Corey T. Busch with the Supreme Court and Court of Appeals on January 20, 2026. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Trampas Prater with the Court of Appeals on January 16, 2026. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Samantha Gwen Watts with the Court of Appeals on January 9, 2026. Counsel will file the Initial Brief of Appellant and Designation of Matter in the case of The State v. John Blauvelt with the Court of Appeals on January 7, 2026. Counsel filed the Record on Appeal in the case of State v. Nathaniel Jenkins with the Court of Appeals on December 18, 2025. Counsel filed the Anders Brief of Appellant in the case of State v. Nathaniel Jenkins with the Court of Appeals on December 17, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Jesse Broughton with the Court of Appeals on November 25, 2025. Counsel appeared for Oral Argument in the case of The State v. Gabriel Curry before the Court of Appeals on November 4, 2025. Counsel filed the Brief of Petitioner in the case of Jason R. Franks v. State with the Court of Appeals on October 27, 2025.

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

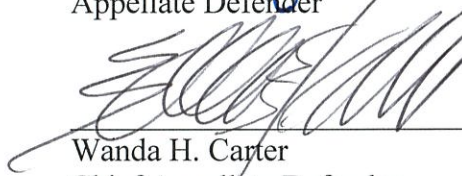
5. On February 3, 2026, opposing counsel, the Attorney General’s Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from February 23, 2026, until March 25, 2026,, 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 serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Wanda H. Carter
Chief Appellate Defender

This 23rd day of February, 2026.