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Jul 29 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BARRY SMART, JR.,

APPELLANT

APPELLATE CASE NO. 2025-000777

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Barry Smart respectfully requests a thirty (30) day extension from July 29, 2026 until August 28, 2026 in which to serve and file the Initial Brief of Appellant and Designation of Matter 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 Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed today.
2. On July 20, 2026, counsel filed the brief of appellant and designation of matter in The State v. Tony Sanders with the Court of Appeals. On July 16, 2026, counsel filed the brief

of appellant and designation of matter in The State v. Dewone Dixon with the Court of Appeals. On July 13, 2026, counsel filed the brief of appellant and designation of matter in The State v. Whitney Grant with the Court of Appeals. On July 8, 2026, counsel filed the initial brief of appellant and designation of matter in The State v. Ahmad Evans with the Court of Appeals. On June 25, 2026, counsel filed the petition for rehearing in The State v. Barry Jones with the Court of Appeals. On June 10, 2026, counsel filed the return to the petition for rehearing in Matter of Hyman with the Supreme Court. On June 4, 2026, counsel filed the petition for writ of certiorari and accompanying appendix in Jeramy Parks v. The State with the Supreme Court. On May 21, 2026, counsel filed the petition for writ of certiorari and accompanying appendix in Cary Stephens v. The State with the Supreme Court.

3. This request is made in good faith, and not for purposes 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.

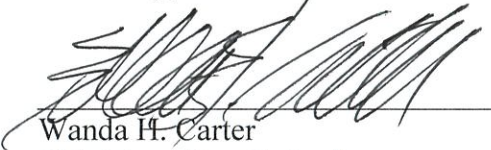
4. On July 2, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from July 29, 2026 until August 28, 2026. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Lara M. Caudy
Senior Appellate Defender



Wanda H. Carter
Chief Appellate Defender

This 29th day of July, 2026.

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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 29th day of July, 2026.



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

Leverett, Scott

From: Leverett, Scott
Sent: Wednesday, July 29, 2026 9:42 AM
To: Mark Farthing
Cc: Caroline Collins; Caudy, Lara; Mcinnis, Sara
Subject: 2025-000777 The State v. Barry Smart, Jr. Extension 3
Attachments: 2025-000777 The State v. Barry Smart, Jr. Extension 3.pdf

Dear Mr. Farthing,

Attached please find a copy of the third extension in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett
for Sara McInnis
Admin. Asst. for Lara Caudy
Appellate Defense

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