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Aug 28 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 **fourth and final thirty (30) day extension** from August 28, 2026 until September 28, 2026 in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth 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 with the Court today.
2. Counsel for Barry Smart 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.

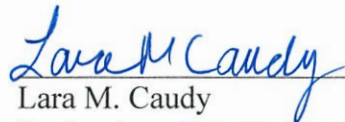
3. On August 26, 2026, counsel filed the initial brief of appellant and designation of matter in The State v. Shane Byerly with the Court of Appeals. On August 24, 2026, counsel filed the initial reply brief of appellant in The State v. Camrin Jay Smith with the Court of Appeals. On August 12, 2026, counsel filed the initial brief of appellant and designation of matter in The State v. Antiwayne Rouse with the Court of Appeals. On July 31, 2026, counsel filed the brief of appellant and designation of matter in The State v. Allon Adams with the Court of Appeals. 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.

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

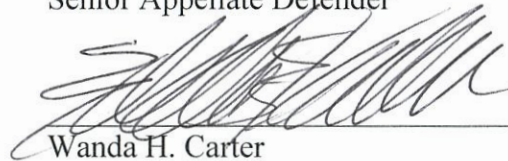
5. On August 3, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** from August 28, 2026 until September 28, 2026 in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

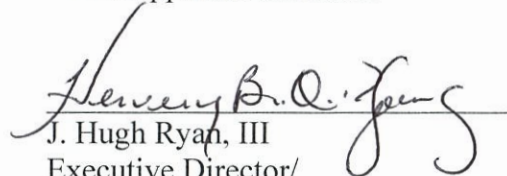
Respectfully submitted,


Lara M. Caudy

Senior Appellate Defender


Wanda H. Carter

Chief Appellate Defender


J. Hugh Ryan, III

Executive Director/

Hervy B. O. Young

Deputy Director and General Counsel/

W. Lawrence Brown

Deputy General Counsel and Training Director

This 28th day of August, 2026.

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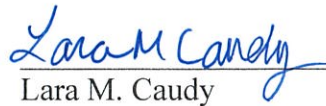
BARRY SMART, JR.,

APPELLANT

APPELLATE CASE NO. 2025-000777

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 R. Farthing, Esquire, at his primary e-mail address listed in the Attorney Information System (AIS), this 28th day of August, 2026.



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: [Grace Sommer](#); [Caudy, Lara](#)
Subject: 2025-000777 The State v. Barry Smart, Jr. Extension 4
Date: Friday, August 28, 2026 11:33:00 AM
Attachments: 2025-000777 The State v. Barry Smart, Jr. Extension 4.pdf

Good morning Mr. Farthing,

Attached for service in the above-referenced case is the fourth motion for an extension of time to serve and file the initial brief of appellant. This motion will be filed with the Court of Appeals today, August 28, 2026, via email filing.

Thank you,

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330