

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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DEC 03 2014

SC Court of Appeals

Appeal from Newberry County

R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MANDY LENORE SMITH,

APPELLANT,

Appellate Case No.: 2013-002209.

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter due to be filed on December 4, 2014. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, that include, but are not limited to, the following: prepared and filed two (2) returns and memoranda of law in support of motion for summary judgment (*Cedric Patton and John Drayton*); and, reviewed and prepared for filing this week another return and memorandum of law in support of motion for summary judgment (*Richard*

Keith Poe). In addition, Counsel recently completed evidentiary hearing preparations for a capital post-conviction relief case—*i. e.* met with and interviewed witnesses, attended a deposition of prior counsel, prepared and filed a motion to compel and a motion for a more definite statement in preparation for an evidentiary hearing, and other preparation steps. Counsel also attended and participated in the capital post-conviction relief merits hearing held November 17–18, 2014 (*Quincy Allen*).

2. Due to her caseload, particularly with hearing preparations for the *Quincy Allen* capital case held last month, undersigned counsel for Respondent has not been able to complete the initial brief in this appeal. However, Counsel has reviewed the file and transcript and has started an initial draft of the brief.

3. This is the second request for an extension of time in which to file a response.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

KAYCIE S. TIMMONS
Assistant Attorney General

BY: *Kaycie S. Timmons*
KAYCIE S. TIMMONS
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Columbia, South Carolina 29211
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December 3, 2014.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

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THE STATE,

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V.

MANDY LENORE SMITH,

APPELLANT,

Appellate Case No.: 2012-002209.

PROOF OF SERVICE

I, Kaycie S. Timmons, certify that I have served Respondent's Motion for a Second Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Carmen V. Ganjehsani, Appellate Defender
SCCID/Division of Appellate Defense
P.O. Box 11589
Columbia, South Carolina 29211-1589

This 3rd day of December, 2014.


KAYCIE S. TIMMONS

S.C. Bar No. 100237
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-0265

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

December 3, 2014

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SC Court of Appeals

Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Mandy Lenore Smith
Appeal from Newberry County
Appellate Case No. 2013-002209

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Second Extension of Time to file the Initial Brief of Respondent and Designation of Matter, dated today, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Kaycie S. Timmons
Assistant Attorney General

KST/mv

cc: Carmen V. Ganjehsani, Appellate Defender