

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JAN 02 2015
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 THIRD 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 January 5, 2015. This is Respondent's third 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 three (3) returns and memoranda of law in support of motion for summary judgment in the United States District Court (*John Drayton, Richard Poe and Hardy Lassiter*); reviewed and filed a final brief of respondent in a non-capital murder direct appeal in this Court

(*John Fitzgerald Kennedy*); and, filed a response to an order in another federal habeas action (*Ervin Lopez*). In addition, Counsel has traveled to Charlotte, NC to interview an expert for a capital murder post-conviction relief case currently pending in circuit court (*Andres Torres*); and currently preparing for oral arguments scheduled in this Court next week on two (2) non-capital murder direct appeals (*Rajerick Knight and Ron Santa McCray*).

2. Counsel has reviewed the file and transcript and has completed an initial draft of the brief. However, due to her caseload and the preparation for the oral arguments, Counsel respectfully requests additional time in order to perfect the brief before filing.

3. This is the third 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
S.C. Bar No. 100237

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-0265

January 2, 2015.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JAN 02 2015

Appeal from Newberry County
R. Knox McMahon, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

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 Third 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 2nd day of January, 2015.



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

RECEIVED
JAN 02 2015
SC Court of Appeals

January 2, 2015

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 Third 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 Ganjehsani, Appellate Defender