

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

SEP 28 2015

SC Court of Appeals

Appeal From Richland County
The Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2014-001366

THE STATE,

Respondent,

v.

JOHN JULIUS SMITH,

Appellant.

**MOTION FOR THIRD EXTENSION
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed September 28, 2015.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a third extension in the above referenced appeal. The undersigned is currently working on this Brief and will have it completed in a timely manner. However, due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this

Brief on time. The undersigned has served and filed several Returns to Petition for Certiorari, Briefs, and other filings in both the South Carolina Supreme Court and this Court.

III.

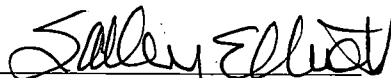
This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. The undersigned anticipates completing the Brief without need for any further extensions. I would, therefore, request a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

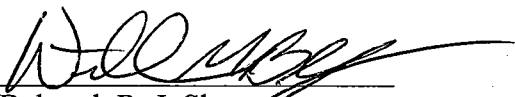
Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General



Salley W. Elliott
Senior Assistant Deputy Attorney General


For Deborah R. J. Shupe
Senior Assistant Deputy Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 28, 2015

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County
The Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2014-001366

RECEIVED

SEP 28 2015

SC Court of Appeals

THE STATE,

Respondent,

v.

JOHN JULIUS SMITH,

Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Motion for Third Extension to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Laura R. Baer, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

I further certify that all parties required by Rule to be served have been served.

This 28th day of September, 2015.



ANGELA BENNETT
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



RECEIVED

SEP 28 2015

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

September 28, 2015

VIA HAND DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. John Julius Smith
Appellate Case Tracking No. 2014-001366

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion for Third Extension to Serve and File Initial Brief of Respondent and Designation of Matter along with proof of service for filing in the above-referenced appeal.

Sincerely,

FOR Deborah R. J. Shupe
Senior Assistant Deputy Attorney General

Enclosures

cc: LaNelle C. DuRant, Esquire
Victim Services