

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
NOV 23 2016  
SC Court of Appeals

Appeal from Richland County  
Honorable Robert E. Hood, Circuit Court Judge  
Appellate Case Tracking No. 2015-001905

The State,

Respondent,

vs.

Michael Juan 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 today. However, due to work currently pending before this Court and the South Carolina Supreme Court, I am unable to complete the brief.

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 filed several Returns to Petition for Certiorari in cases in the South Carolina Supreme Court as well as other filings in the South Carolina Supreme Court. Additionally, the undersigned has filed Briefs in several cases in which deadlines were before the current appeal. Finally, the undersigned participated in oral arguments before the South Carolina Court of Appeals and the South Carolina Supreme Court.

III.

The undersigned contacted Appellant's counsel who indicates his consent to this motion. 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,

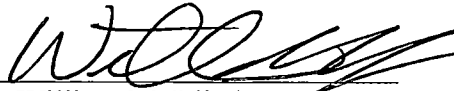
ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Assistant Attorney General



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J. Benjamin Aplin  
Senior Assistant Deputy Attorney General



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William M. Blich, Jr.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

November 23, 2016

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Richland County  
Honorable Robert E. Hood, Circuit Court Judge  
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**PROOF OF SERVICE**

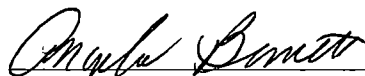
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I, Angela Bennett, certify that I have served the Motion Out of Time for Third Extension to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed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

David Alexander, 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 23<sup>rd</sup> day of November, 2016.



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



ALAN WILSON  
ATTORNEY GENERAL

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SC Court of Appeals

November 23, 2016

**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. Michael Juan Smith  
Appellate Case Tracking No. 2015-001905

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,

William M. Blich, Jr.  
Assistant Attorney General

Enclosures

cc: David Alexander, Esquire  
Victim Services