

ORIGINAL

RECEIVED  
OCT 10 2017  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County  
Kristi L. Harrington, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

v.

TERRELL ARTIETH SMITH,

APPELLANT

APPELLATE CASE NO. 2017-001178

\_\_\_\_\_  
MOTION TO FILE EXTENSION REQUEST OUT OF TIME  
AND FOR A THIRTY DAY EXTENSION  
\_\_\_\_\_

The undersigned counsel respectfully requests the Court allow counsel to file an extension request to serve and file the initial brief of appellant and designation of matter in the above referenced case out of time. Counsel also respectfully requests a thirty day extension in which to serve and file this brief. In support of this motion counsel submits the following:

1. The initial brief of appellant and designation of matter were due to be served and filed with this Court on October 2, 2017 in accordance with Rule 208, SCACR.
2. However, due to an administrative error, the date to file these documents was mistakenly calendared for today, October 10, 2017. This mistake was discovered this morning after an email extension request had already been sent to the Court.

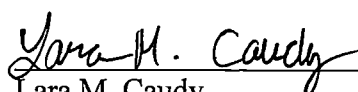
3. Counsel respectfully requests a thirty day extension in which to serve and file this brief due to her heavy workload. No prior extensions have been granted.

4. Counsel makes this request in good faith and not for purposes of delay.

5. Counsel for the Attorney General's Office does not oppose this request as shown by his signature below.

WHEREFORE, based upon the above showing, counsel for Appellant respectfully requests the Court allow counsel to file an extension request to serve and file the initial brief of appellant and designation of matter in the above referenced case out of time, and for a thirty day extension in which to serve and file this brief.


Respectfully submitted,

  
\_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

October 10, 2017

I DO NOT OPPOSE:

  
\_\_\_\_\_  
Donald J. Zelenka, Esquire

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

Kristi L. Harrington, Circuit Court Judge  
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THE STATE,

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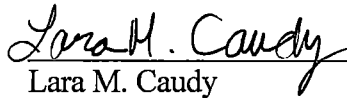
v.

TERRELL ARTIETH SMITH,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

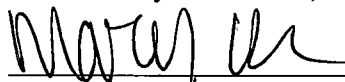
The undersigned attorney hereby certifies that a true copy of the Motion to File Extension Request Out of Time and for a Thirty Day Extension in the above referenced case has been served upon Donald J. Zelenka., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 10th day of October, 2017.



\_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 10th day of October, 2017.

 (L.S.)  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: May 12, 2027.