

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Clarendon County
D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JON PAUL SMART,

APPELLANT

APPELLATE CASE NO. 2017-001754

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Jon Paul Smart, respectfully requests a **fifth and final thirty (30) day extension, until May 4, 2018**, in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. **As explained below, counsel intends to file the brief and designation next week.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed with the Court today. The Court has granted counsel four previous extensions.
2. Counsel for Jon Paul Smart, respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage her caseload,

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counsel hopes that no further extension requests will be required. **Counsel is pregnant, with a due date of April 11, 2018, and will make every effort to file the initial brief of appellant and designation as soon as possible before her maternity leave. In the event that is not possible, Smart's case will be reassigned to another appellate defender.**

3. Counsel will file the petition for writ of certiorari in J' Corey S. Hull-Kilgore v. State with the Supreme Court on April 4, 2018. Counsel filed the initial brief of appellant in State v. Christian Anthony Himes with this Court on April 3, 2018. Counsel filed the second petition for rehearing in State v. Justin Jermaine Johnson with this Court on March 30, 2018. Counsel filed the petition for writ of certiorari in Georgia Woodberry v. State with the Supreme Court on March 19, 2018. Counsel filed the brief of petitioner In re Calvin Miller with the Supreme Court on March 14, 2018. Counsel had oral argument in the case of State v. Preston Mozeak before this Court on March 13, 2018. Along with co-counsel, Counsel filed an amicus brief in Conrad Slocumb v. State with the Supreme Court on March 8, 2018. Counsel filed the initial reply brief in State v. Terrence Frazier with this Court on March 8, 2018. Counsel had oral argument in the case of State v. Johnnie Lawson before this Court on March 6, 2018. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Richard Capell with the Supreme Court on March 5, 2018. Counsel filed the petition for rehearing in State v. Billy Phillips with this Court on March 1, 2018. Counsel filed the petition for writ of certiorari in Christopher Seabrook v. State with the Supreme Court on February 26, 2018. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Esaiveus Booker with the Supreme Court on February 20, 2018. Counsel filed the petition for rehearing in State v. Justin Johnson with the Court of Appeals on February 15, 2018. Counsel filed the initial brief of appellant in State v. Roy Smith with the Court of Appeals on February 15, 2018.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested. **As explained above, counsel intends to file the brief and designation next week.**

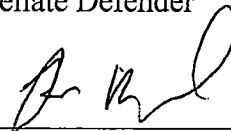
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final thirty (30) day extension until May 4, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.


Respectfully submitted,



Laura R. Baer
Appellate Defender



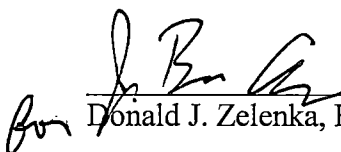
Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 4th day of April 2018.

I do not oppose:


Donald J. Zelenka, Esquire