

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
The Honorable Robin B. Stilwell, Circuit Court Judge

RECEIVED

JUL 18 2019

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JAHRU HAROLD SMITH,

APPELLANT.

Appellate Case No. 2018-000505

**MOTION FOR FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, the State, moves this Court for an extension for an additional thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's fourth 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. Counsel was ordered by the State of South Carolina National Guard for annual training at Fort Dix, New Jersey from June 16, 2019 until June 29, 2019; and
2. Counsel prepared and submitted the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Clinton Folkes, #216506 v. State of South Carolina*, Appellate Case No. 2018-000911, on July 3, 2019, a Richland County matter currently pending in the U.S. District Court-District of South Carolina;

3. Counsel filed the Final Brief of Respondent and Certificate of Compliance and Certificate of Service in the case of *The State v. John McCarty*, Appellate Case No. 2017-002377, July 5, 2019, a Pickens County direct appeal matter;
4. Counsel has been ordered by the State of South Carolina National Guard for military duty all day July 15, 2019;

In light of counsel's military assignments and involvement in these and other matters pending in state and federal court, the undersigned respectfully requests a thirty (30) day extension within which to serve and file the Initial Brief of Respondent and Designation of Matter. Respondent would not normally make this request, however, under the discreet circumstances, this request is made in good faith, and not for the purpose of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

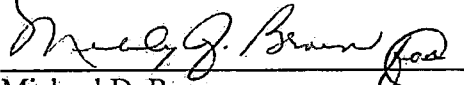
Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

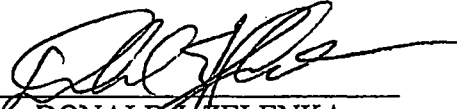
MICHAEL D. ROSS
Assistant Attorney General
S.C. Bar# 73986

By: 
Michael D. Ross
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-6305

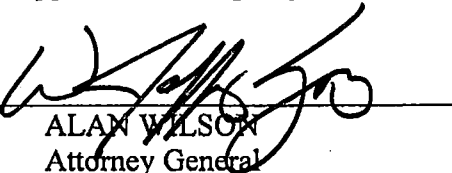
July 15, 2019.

ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I too support the finding of good cause.

By: 
ALAN WILSON
Attorney General

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CERTIFICATE OF SERVICE

I, Michael D. Ross, certify that I have served Respondent's Motion for a Fourth Extension of Time on counsel for Appellant, by depositing two copies of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Kathrine H. Hudgins, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 15th day of July, 2019.

Brandy H. Dunkin, Legal Assistant to
Michael D. Ross
Assistant Attorney General

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

July 5, 2019

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

Re: The State v. Jahru Harold Smith
Appeal from Greenville County
Appellate Case No. 201 8-000505

Dear Ms. Kitchings:

Enclosed for filing is the fully executed original and six (6) copies of the Respondent's fourth Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Opposing counsel has graciously consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,

Michael Ross
Assistant Attorney General

MDR:brb
Enclosures

cc: Katherine H. Hudgins, Esq. (w/two copies of encls.)

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JUL 18 2019

SC Court of Appeals