

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Robin B. Stillwell, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

FILICIANO JERMAINE SMITH,

RECEIVED

DEC 09 2019

APPELLANT

SC Court of Appeals

APPELLATE CASE NO. 2018-002039

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

Counsel for Filiciano Jermaine Smith respectfully requests a **final extension of thirty days until January 8, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fifth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel four previous extensions. **Counsel understands that a fifth extension is strongly disfavored.**

2. Counsel for Filiciano Jermaine Smith 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, counsel hopes that no further extension requests will be required. **Counsel regrets having to request this extension and will make every effort to file the brief prior to the deadline.**

3. Counsel is diligently working on The State v. Tammy Caison Moorer. The transcripts in Moorer span nearly twenty-seven hundred pages and counsel anticipates filing a brief raising at least five issues. On December 4, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Brandon James Littell v. The State with the Supreme Court. On November 25, 2019, counsel filed a petition for a writ of certiorari to the Court of Appeals in The State v. Anthony M. Enriquez with the Supreme Court. On November 8, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Moses Frasier v. The State with the Supreme Court. On October 31, 2019, counsel filed the Anders brief of appellant and record on appeal in The State v. Alonza King Gibson with the Court of Appeals. On October 29, 2019, counsel filed a petition for writ of certiorari to the Court of Appeals in The State v. George Holmes with the Supreme Court. On October 25, 2019, counsel filed a brief of petitioner in The State v. Felix Kotowski with the Supreme Court. On October 18, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Brian Edward Norris v. The State with the Supreme Court. On October 15, 2019, counsel had an oral argument in The State v. Terrell Artieth Smith before the Supreme Court. On October 4, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Mildred Montgomery v. The State with the Supreme Court. On October 1, 2019, counsel filed a petition for writ of certiorari and accompanying appendix in Otis Maurice Robinson v. The State with the Supreme Court.

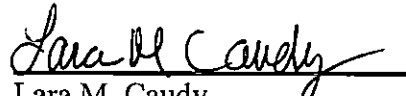
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that her

caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.


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


WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension** until **January 8, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,


Lara M. Caudy
Appellate Defender

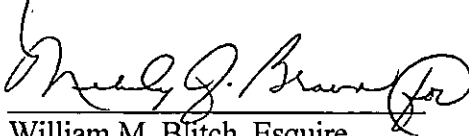
Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender


J. Hugh Ryan, III
Executive Director/
Hervey B.O. Young
General Counsel

This 9th day of December, 2019.

I consent:


William M. Blitch, Esquire