

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Florence County

Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MICHAEL JOE SMITH,

RECEIVED
APPELLANT
JAN 02 2020
SC Court of Appeals

Appellate Case No. 2019-000536

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

Counsel for Michael Joe Smith respectfully requests an extension of **thirty (30) days, until February 3, 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. 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 three previous extensions.
2. Counsel for Michael Joe 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 his caseload, counsel hopes that no further extension requests will be required.

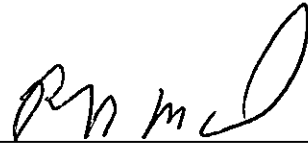
3. Counsel filed the return to the State's petition for writ of certiorari in the case of The State v. Joseph Bowers with the Supreme Court on December 27, 2019. Counsel had an oral argument before this Court on December 11, 2019 in The State v. Justin Jamal Warner. Counsel had an oral argument before this Court on December 9, 2019 in The State v. Edward Primo Bonilla. Counsel filed the brief of appellant and designation of matter in the case of The State v. John Andrew Finch with this Court on December 2, 2019. Counsel was co-counsel to Victor Seeger and Lara M. Caudy, when they filed the petition for rehearing in the case of The State v. Jonathan Donell Rhodes with this Court on November 21, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. John M. Ghent, Jr., to the Supreme Court from this Court on November 12, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Anthony Raynard Randall with this Court on November 8, 2019. Counsel was co-counsel to Adam Sinclair Ruffin, when they filed the initial brief of appellant and designation of matter in the case of The State v. William D. Pennington with this Court on November 4, 2019. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training four less experienced appellate defenders and reviewing all their filings in advance.**

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.

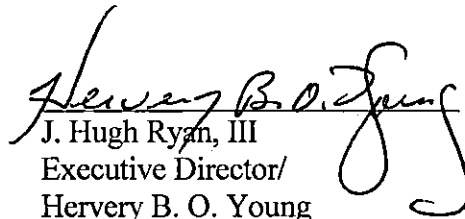
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, until February 3, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



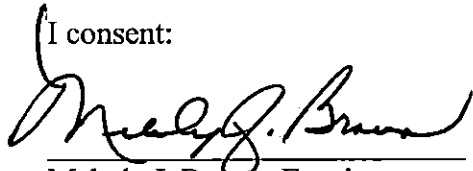
Robert M. Dudek
Chief Appellate Defender



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

This 2nd day of January, 2020.

I consent:



Melody J. Brown, Esquire