

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,

APPELLANT

Appellate Case No. 2019-000536

RECEIVED  
FEB 03 2020  
SC Court of Appeals

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 a **final extension of thirty (30) days, until March 4, 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 four 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 brief of appellant and designation of matter in the case of The State v. Johnnie Lee McKnight with this Court on January 28, 2020. Counsel was co-counsel to Lara M. Caudy and Victor Seeger, when a petition for writ of certiorari to this Court and accompanying appendix in The State v. Jonathan Donell Rhodes was filed with the Supreme Court on January 28, 2020. Counsel filed the petition for writ of certiorari and accompanying appendices in the death penalty case of Marion Alexander Lindsey v. The State with the Supreme Court on January 17, 2020 with co-counsel David Alexander and Lara M. Caudy. Counsel filed the petition for rehearing in the case of The State v. Edward Primo Bonilla with this Court on January 14, 2020. Counsel was co-counsel to Lara M. Caudy, when they filed the initial brief of appellant and designation of matter in the case of The State v. Tammy Caison Moorner with this Court on January 6, 2020. 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 has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training three less experienced appellate defenders and reviewing all their filings in advance.**

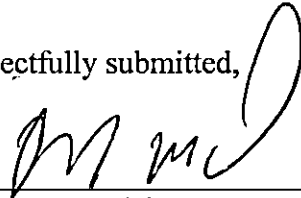
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

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

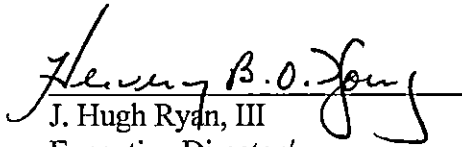
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until March 4, 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,



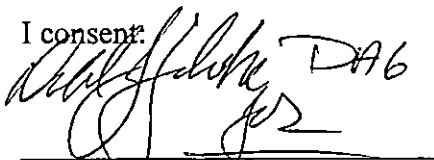
Robert M. Dudek  
Chief Appellate Defender



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

This 3rd day of February, 2020.

I consent.



Melody J. Brown, Esquire