

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Certiorari to Florence County  
Thomas A. Russo, Circuit Court Judge  
\_\_\_\_\_

ORIGINAL  
RECEIVED  
MAR 04 2020  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL JOE SMITH,

APPELLANT

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 a **final extension of four business days until Tuesday, March 10, 2020** in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** 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. Appellant received a sentence of life without parole after being found guilty of murder.

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. Anthony Briggs with this Court on February 26, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Arthur Franklin Smith v. The State with the Supreme Court on February 18, 2020. Counsel filed the petition for rehearing in the case of The State v. Timiya Rashad Massey with this Court on February 13, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Robert Xavier Geter with this Court on February 3, 2020. 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 is also lead counsel on two death penalty cases: State v. Jerome Jenkins and State v. Timothy Ray Jones.* **Counsel has extensive administrative duties as the Chief Appellate Defender. Counsel also has to discuss the cases of four inexperienced Appellate**

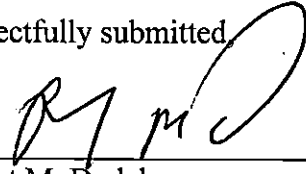
**Defenders with them in advance and read all of their filings in advance. Counsel also has many administrative duties and Appellate Project oversight duties. Counsel regrets the necessity of this extension request, but it is absolutely necessary under the circumstances.**

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 extension of four business days until Tuesday, March 10, 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.

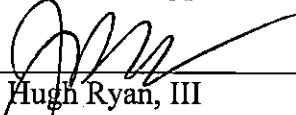
Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant



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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 4th day of March, 2020.

I consent:



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*fen* Melody J. Brown, Esquire