

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jul 06 2020
SC Court of Appeals

Appeal from Oconee County

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CLIFTON EUGENE SMITH,

APPELLANT.

APPELLATE CASE NO. 2019-001975

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

The undersigned counsel respectfully requests a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. On June 26, 2020, counsel filed the brief of appellant and designation of matter in The State v. Marquille Rondale Livingston with the Court of Appeals. On June 19, 2020, counsel filed the petition for writ of certiorari and accompany appendix in Bobby Joe Arflin v. The State with the Supreme Court. On May 22, 2020, counsel filed the petition for writ of certiorari and

accompany appendix in Marcus Shearin v. The State with the Supreme Court. On May 20, 2020, counsel had an oral argument in The State v. Felix Kotowski before the Supreme Court. On May 6, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Michael Breyan with the Court of Appeals. On May 1, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Traivon Young with the Court of Appeals. On April 17, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Lagerald Dunham with the Court of Appeals. On April 10, 2020, counsel filed the initial brief of appellant and designation of matter in The State v. Rakeem White with the Court of Appeals. On April 1, 2020, counsel filed the petition for writ of certiorari and accompanying appendix in Michael Orlando Brown v. The State with the Supreme Court. On April 1, 2020, counsel filed the petition for a writ of certiorari to the Court of Appeals and accompanying appendix in The State v. Shane Alexander Washington with the Supreme Court.

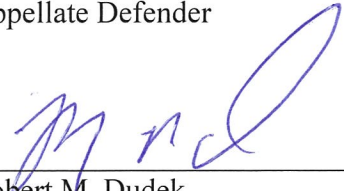
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On June 23, 2020, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 31, 2020.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

s/ Lara M. Caudy
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

July 6, 2020

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency" dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion for an Extension to File the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 6th day of July, 2020.

s/Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT