

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable R. Markley Dennis, Circuit Court Judge

RECEIVED

Jan 04 2021

SC Court of Appeals

THE STATE,

Respondent,

vs.

SETH SMITH,

Appellant.

Appellate Case No. 2019-001418

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR A FOURTH EXTENSION**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter were due to the Court on January 4, 2021. I am unable to complete the Brief on time and respectfully request a fourth extension. My ability to complete the brief has been further complicated by the ability of our office to retrieve approximately forty-five exhibits pursuant to this Court's October 22 order of transportation. Due to numerous exhibits needed to be retrieved by our staff across the state, and in part to the holiday season, our office has been unable to retrieve the exhibits from the Clerk of

Court in Charleston. My other recent work before this Court and the Supreme Court includes submission of the initial brief in State v. Ronald Brown and the final brief in State v. Tammy Moorer. In addition, I am currently drafting the initial briefs for State v. Sidney Moorer and State v. Joe Busby in this Court, and anticipate submitting the Return to Petition for Writ of Certiorari in State v. Bisnauth before the South Carolina Supreme Court this week. I anticipate completing the Initial Brief in this case without need for further extension. I would therefore request a fourth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in the instant case.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

WHEREFORE, Respondent prays that the Court accept this Motion out of time, extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date the Court rules on this motion; and for such other and further relief as the Court may deem just and proper.

[Signature block appears on the following page]

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

I have reviewed and approve
this request:



DONALD J. ZELENKA
Deputy Attorney General



WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General

By: s/David Spencer
DAVID SPENCER
Senior Assistant Attorney General
S.C. Bar No 68571

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

January 4, 2021

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jan 04 2021

SC Court of Appeals

Appeal From Charleston County
Honorable R. Markley Dennis, Circuit Court Judge

Appellate Case No: 2019-001418

THE STATE,

Respondent,

v.

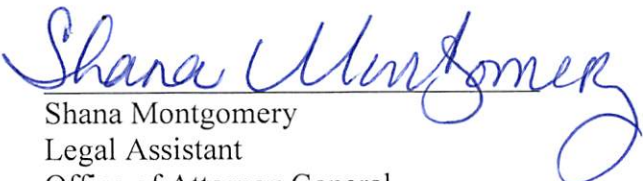
SETH SMITH,

Appellant.

PROOF OF SERVICE

I, Shana Montgomery, certify that I have served The Petition To Relax Rule 208(a)(2) SCACR and Rule 209(a)SCACR and Motion for a Fourth Extension Appellant via electronic mail to the address listed by counsel in AIS, to his attorney of record, Kathrine H. Hudgins, Esquire. S.C. Commission on Indigent Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

I further certify that all parties required by Rule to be served have been served.
This 4th day of January, 2021.



Shana Montgomery
Legal Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727