

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County

D. Craig Brown, Circuit Court Judge

RECEIVED
Nov 01 2021
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LAVAR ANTHONY SMITH,

APPELLANT.

APPELLATE CASE NO. 2021-000431

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

Counsel for Lavar Anthony Smith respectfully requests a thirty (30) day extension, in which to serve and 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. This is a third request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed today.

2. Counsel filed the brief of appellant and record on appeal in the case of The State v. Lamont Antonio Samuel with the Court of Appeals on October 27, 2021. Counsel filed the petition for writ of certiorari and accompanying appendix in Darius Ransom-Williams v. The State with the Supreme Court on October 15, 2021. Counsel filed the petition for writ of certiorari and accompanying appendix in Shemaine M. Roberson v. The State with the Supreme Court on October 7, 2021. Counsel filed the initial brief of appellant and designation of matter

in The State v. Kevin J. McKinnon with the Court of Appeals on September 27, 2021. On September 21, 2021, counsel had an oral argument in The State v. Mary Ann German before the Supreme Court. On September 15, 2021, counsel had an oral argument in The State v. Montrelle Lamont Campbell before the Court of Appeals. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in The State v. Corey Jermaine Brown with the Supreme Court on August 30, 2021.

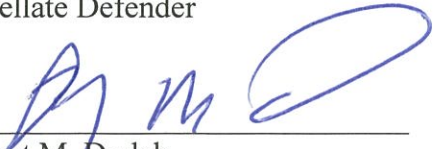
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On October 28, 2021, 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 November 30, 2021.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

s/David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 1st day of November, 2021.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Nov 01 2021

SC Court of Appeals

Appeal from Marion County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAVAR ANTHONY SMITH,

APPELLANT.

APPELLATE CASE NO. 2021-000431

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 1st day of November, 2021.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT