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Dec 01 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County

D. Craig Brown, Circuit Court Judge

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 **fourth and final thirty (30) day extension until January 4, 2022**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth 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 with the Court today.
2. Counsel for Lavar Anthony 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 a petition for rehearing in the case of Allen Stone v. The State with the Court of Appeals on November 18, 2021. Counsel appeared pursuant to a subpoena in a hearing in the PCR case of Vincent Missouri v. State on November 12, 2021. Counsel filed the brief of appellant and record on appeal in the case of The State v. Joshua Rothwell with the Court of Appeals on November 8, 2021. Counsel filed the petition for writ of certiorari in Jason Ervin Black v. The State with the Supreme Court on November 3, 2021. 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.

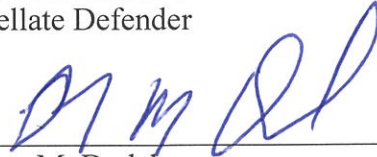
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On November 30, 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 December 31, 2021.

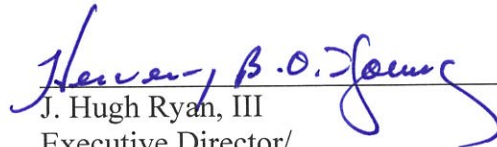
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until January 4, 2022**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,

s/David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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 1st day of December, 2021.

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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 December, 2021.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT