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Feb 07 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DONALD D. SMITH,

APPELLANT.

APPELLATE CASE NO. 2021-000579

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

Counsel for Donald D. 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 a petition for writ of certiorari to the Court of Appeals in Allen Stone v. The State with the Supreme Court on January 28, 2022. Counsel filed the petition for writ of certiorari and accompanying appendix in Edward Britt, Jr. v. The State with the Supreme

Court on January 19, 2022. Counsel filed the initial brief of appellant and designation of matter in The State v. Jermaine Demarcus Grier with the Court of Appeals on January 18, 2022. Counsel filed the brief of appellant and record on appeal in the case of The State v. Lavar Anthony Smith with the Court of Appeals on January 4, 2022. Counsel testified at a PCR Hearing held via Web Ex in the case of King Conyers v. State on December 8, 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 January 31, 2022, 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 February 28, 2022.

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 7th day of February, 2022.

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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 7th day of February, 2022.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT