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Mar 09 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 **fourth and final thirty (30) day extension until April 8, 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 Donald D. 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 the brief of appellant in the case of The State v. Jakkari Jaquille De'Andre Brown with the Court of Appeals on March 7, 2022. Counsel filed the Brief of Petitioner in The State v. Corey Jermaine Brown with the Supreme Court on February 24, 2022. Counsel filed the Return to Petition for Writ of Certiorari in Jason Ervin Black v. The State with the Supreme Court on February 23, 2022. Counsel had an oral argument in The State v. Derrick Lamar Porter before the Court of Appeals on February 15, 2022. Counsel had an oral argument in The State v. Sylvester Ferguson III before the Court of Appeals on February 10, 2022. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of In the Matter of the Care and Treatment of John Shelby Wells with the Court of Appeals on February 9, 2022. 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.

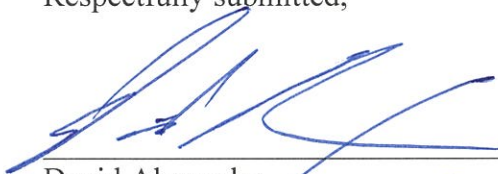
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On February 28, 2022, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by

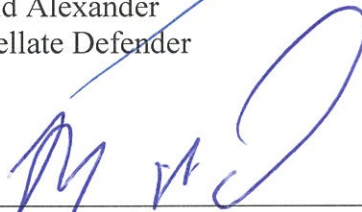
Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until April 8, 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,



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 9th day of March, 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 9th day of March, 2022.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT