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Apr 25 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

BRANDAL SMITH,

APPELLANT

APPELLATE CASE NO. 2021-000939

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

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Counsel for Brandal Smith respectfully requests a **fourth and final thirty (30) day extension until May 25, 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 Brandal 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 her caseload, counsel hopes that no further extension requests will be required.

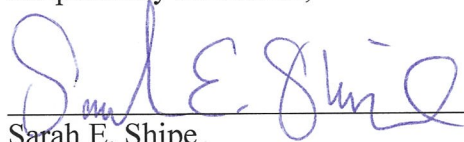
3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Michael Means with this Court on April 20, 2022. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Raphael L. Pontoo v. The State with the Supreme Court on April 11, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Joseph Decoriyus Burton with this Court on April 6, 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 James L. Williford with this Court on April 6, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kareem Stevenson with this Court on March 28, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Nikeen D'Aundre Johnson with this Court on March 21, 2022. Counsel filed the initial brief of appellant in the State v. Corey Rashad Brown with this Court on March 11, 2022. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Jeffery James Williams with the Supreme Court on March 9, 2022. Counsel filed the initial brief of appellant in the State v. Anterius Smith with this Court on March 7, 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.

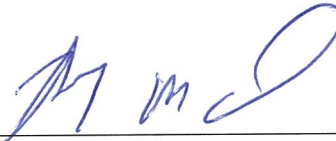
5. On March 31, 2022, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through April 30, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until May 25, 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.

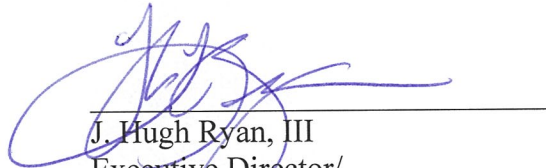
Respectfully submitted,



Sarah E. Shipe  
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 25<sup>th</sup> day of April, 2022.

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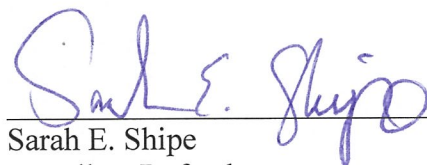
BRANDAL SMITH,

APPELLANT

APPELLATE CASE NO. 2021-000939  
\_\_\_\_\_

CERTIFICATE OF SERVICE  
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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 William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 25<sup>th</sup> day of April, 2022.



Sarah E. Shipe  
Appellate Defender

ATTORNEY FOR APPELLANT