

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Sep 29 2023

S.C. SUPREME COURT

On Writ of Certiorari to Spartanburg County  
Honorable Brian M. Gibbons, Circuit Court Judge  
Appellate Case No. 2023-000378

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GABRIEL RIOS,

Respondent,

vs.

THE STATE,

Petitioner.

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**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE PETITION FOR WRIT OF  
CERTIORARI AND APPENDIX**

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Petitioner (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Petition for Writ of Certiorari and Appendix are due to be served and filed on October 2, 2023.

**II.**

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth** and **final** extension in the above-referenced post-conviction relief appeal and asks for an additional thirty days to complete the petition in this case. Two days ago, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter

in the Court of Appeals in State v. Osman Uvaldo Jimenez Benitez. Additionally, in the past few weeks, the undersigned counsel has filed a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Keunte Cobbs and State v. Gary Martin Wirtz; filed a Petition for Writ of Certiorari and Appendix in the Supreme Court in In the Matter of Lauren Martel, Esquire; filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Jeffery Keyon Timothy Griffin; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Kendrick Tremain Blackwell and State v. Ronald Lyons. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has also participated in mandatory training related to leadership skills, has prepared for and presented at an internal annual presentation on the status of the unit, and has assisted in the office’s completion of the annual accountability report.

### III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Petition in the above-referenced case has required significant research because the case is a State’s appeal involving a grant of a new trial in a highly-serious case based on purported newly-discovered evidence. The undersigned counsel has completed the Appendix, which spans 785 pages across two volumes, and is currently working on the Petition in this case, which he intends to have finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Petition due to a heavy workload, challenges that have resulted from staffing issues that continue to be experienced by the undersigned counsel’s office, and other responsibilities necessitated by William M. Blich, Jr.’s departure from the office following his acceptance of the position of Disciplinary Counsel for the State of South Carolina. In addition to that, the undersigned

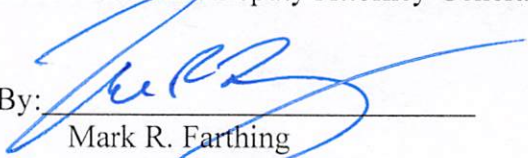
counsel experienced an unexpected illness that resulted in him missing several days of work over the last few works and unfortunately necessitated the rescheduling of two oral arguments, which have now been rescheduled to the beginning of next week. Accordingly, in order to ensure the Petition in this State's appeal is properly researched and prepared, I would therefore request an one final thirty-day extension of time within which to serve and file the Petition.

**WHEREFORE**, Petitioner prays that the Court extend the deadline for the service and filing of the Petition for Writ of Certiorari and Appendix in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Petitioner's motion; and grant such other and further relief as the Court may deem just and proper.

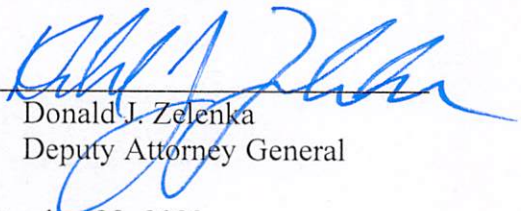
Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Deputy Attorney General

By:   
Mark R. Farthing  
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By:   
Donald J. Zelenka  
Deputy Attorney General

September 29, 2023