

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Dec 05 2023

S.C. SUPREME COURT

On Petition for Writ of Certiorari to Horry County
Honorable H. Steven DeBerry, IV, Circuit Court Judge
Appellate Case No. 2023-000525

ALQI DHIMO,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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

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

I.

The Return to Petition for Writ of Certiorari in this post-conviction relief appeal is due to be served and filed tomorrow, December 6, 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 **seven days** until Wednesday, December 13, 2023, to complete the return in this case. 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. Jamie Goss and State v. Kayla Marie Cook; has filed a Petition for Writ of Certiorari and Appendix in the Supreme Court in Gabriel Rios v. State; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Terry Shaimek Tyler and State v. Reginald Da’Aron Campbell; filed a Return to Petition for Rehearing in the Court of Appeals in State v. Ricky Manigo Dawson; and has participated in oral argument at the Court of Appeals in State v. Jeremiah DiCapua and George Moses v. State. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office. Included amongst those supervisory responsibilities, the undersigned counsel assisted one of the newer attorneys in the office prepare for his first oral argument and was present throughout the oral argument, which was held earlier today at the Court of Appeals, based on the requirements of Rule 403 of the South Carolina Appellate Court Rules. See Rule 403(a), SCACR (“Although admitted to practice law in this State, an attorney shall not appear as counsel in any hearing, trial, or deposition in a case pending before a court of this State until the attorney’s trial experiences required by this rule have been approved by the Supreme Court. An attorney whose trial experiences have not been approved may appear as counsel if the attorney is accompanied by an attorney whose trial experiences have been approved under this rule or who is exempt from this rule, and the other attorney is present throughout the hearing, trial, or deposition.”).

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Return in the above-referenced case involves an important issue related to trial counsel’s failure to seek a mistrial based on the solicitor’s alleged commission of a Doyle violation. The undersigned counsel is currently


working on the Return in this case and intends to have it finished by no later than next week. However, the undersigned counsel—who had no prior involvement in the case until the appellate stage—has not yet been able to finish the Return due to a heavy workload, the need to prepare for an oral argument scheduled for later this week at the Court of Appeals, other challenges stemming from significant staffing issues within the South Carolina Attorney General’s Office’s post-adjudication section, and other unanticipated matters that have arisen. Accordingly, in order to ensure the Return is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Return.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for a period of seven additional days; hold the matter in abeyance pending a ruling on Respondent’s motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

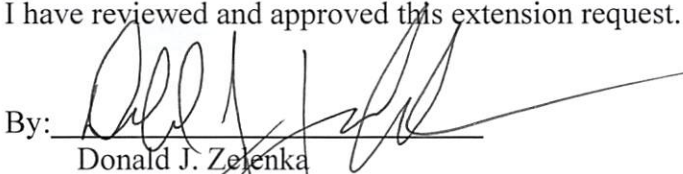
ALAN WILSON
Attorney General

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

December 5, 2023