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Jan 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Bentley Price, Circuit Court Judge
Appellate Case No. 2023-000075

THE STATE,

Respondent,

vs.

DLANOR PHILLIP TILTON,

Appellant.

**MOTION FOR FIFTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on January 12, 2024.

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 **fifth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Earlier this week, the undersigned has filed a Return to Petition for Writ of Certiorari in the Supreme Court in Christopher Campbell v.

State; and has investigated the matter and prepared a return to a pro se filing at the request of the Supreme Court in Kenneth F. Ray v. State. Additionally, in the past few weeks, the undersigned counsel has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Mathia Lamont Chambers and State v. Mazar Nathaniel Sturdivant; and has filed a Return to Petition for Writ of Certiorari in the Supreme Court in Alqi Dhimo v. State and Steven Scruggs v. State. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office.

III.

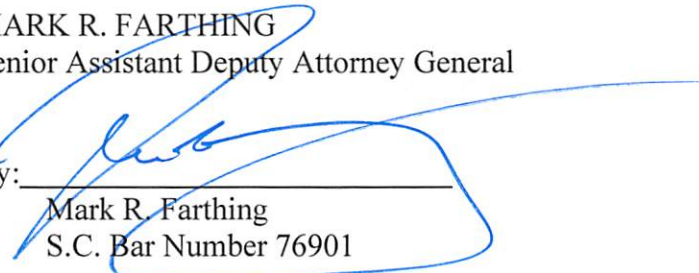
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case involves an important issue regarding the admissibility of evidence derived from facial recognition software. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload and other significant challenges that have resulted from substantial staffing issues that continue to be experienced by the undersigned counsel's office. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; 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,

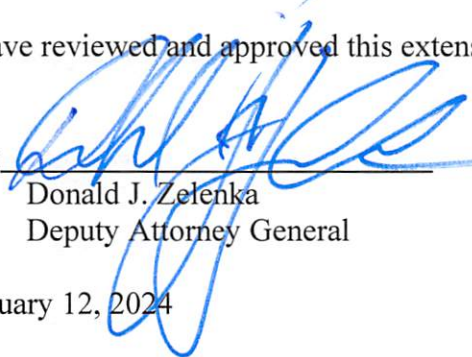
ALAN WILSON
Attorney General

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

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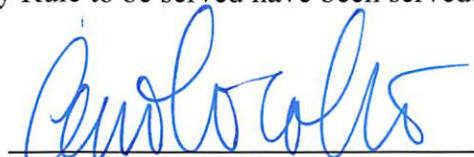
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the Fifth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Lara Mary Caudy, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

I further certify all parties required by Rule to be served have been served.
This 12th day of January, 2024.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General