

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Jan 17 2024

On Writ of Certiorari to Lexington County  
Honorable Courtney Clyburn Pope, Circuit Court Judge  
Appellate Case No. 2021-001217

SC Court of Appeals

RAPHAEL PONTOO,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE BRIEF OF RESPONDENT**

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

**I.**

The Brief of Respondent is due to be served and filed on January 17, 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 **fourth** extension in the above-referenced post-conviction relief appeal and asks for an additional thirty days to complete the brief in this case. Yesterday, the undersigned filed a Final Brief of Respondent in State v. Reginald Da’Aron Campbell. Last week, the undersigned filed a Return to Petition for Writ of Certiorari in the Supreme Court in Christopher Campbell v. State and investigated the matter and prepared a return to a pro se filing

at the request of the South Carolina 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. 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 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, other significant challenges that have resulted from substantial staffing issues that continue to be experienced by the undersigned counsel's office, and some unanticipated matters that have required the undersigned counsel's attention. 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 Brief of Respondent 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.

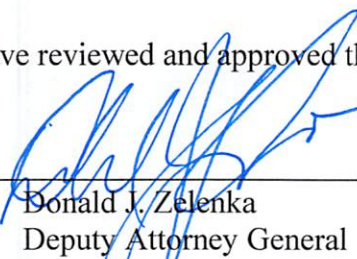
Respectfully submitted,

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

January 17, 2024

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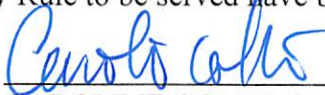
**PROOF OF SERVICE**

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

Sarah Elizabeth Shipe, 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 17th day of January, 2024.

  
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CAROLINE COLLINS  
Administrative Coordinator  
Office of the Attorney General