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Feb 05 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Honorable Alex Kinlaw, Jr., Circuit Court Judge
Appellate Case No. 2018-001257

THE STATE,

Respondent,

vs.

CHARLES DENT,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE RETURN TO PETITION FOR REHEARING**

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

I.

The return to the petition for rehearing is due to be served and filed on February 5, 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 **third** extension in the above-referenced criminal appeal and asks for an additional ten days to complete the return in this case. Earlier today, the undersigned counsel filed a Final Brief of Respondent in the Court of Appeals in State v. Mazar Nathaniel Sturdivant. Additionally, in the past few weeks, the undersigned counsel has filed a Final Brief of Respondent in the Court of Appeals in State v. Mathia Lamont Chambers and State v. Reginald

Da'Arone Campbell; has filed an Initial Brief of Appellant and Designation of Matter in the Court of Appeals in State v. Justin Tyler Anderson; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Dlanor Phillip Tilton; 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. 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 good cause and is not intended for purposes of delay. The undersigned counsel is currently working on the return 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 return 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. Moreover, prior to this stage of the appeal, the undersigned counsel had no prior involvement in this matter, which previously was handled by an attorney who is no longer with our office. Based on that, the undersigned counsel has needed to additional time to review the case, which has a lengthy appellate record and appendix. Accordingly, in order to ensure the return is properly 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 the petition for rehearing in this case for ten 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: /s/Donald J. Zelenka
Donald J. Zelenka
Deputy Attorney General

February 5, 2024

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PROOF OF SERVICE

I, Mark R. Farthing, certify I have served the within Motion for the Third Extension of Time Within Which to Serve and File Return to Petition for Rehearing on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

E. Charles Grose, Jr., Esquire
Grose Law Firm
305 Main Street
Greenwood, SC 29646

I further certify all parties required by Rule to be served have been served.
This 5th day of February, 2024.



MARK R. FARTHING
Senior Assistant Deputy Attorney General
Office of the Attorney General

From: [Mark Farthing](#)
To: [Charles Grose](#)
Subject: State v. Charles Dent (Appellate Case # 2018-001257) -- Motion for Extension of Time to File Return to Petition for Rehearing
Date: Monday, February 5, 2024 7:04:00 PM
Attachments: [Dent.Third Extension Request \(Return to Pet for Rehearing\) \(03496625xD2C78\).PDF](#)
[image001.png](#)

Mr. Grose,

Attached is an electronic copy of the State's motion seeking an additional extension of time for the filing of the return to the petition for rehearing in the State v. Charles Dent appeal. I will be submitting this document to the Court of Appeals shortly via the electronic filing system. I should also have the petition for rehearing completed early this week. Thanks, and, if you have any questions or concerns or need anything from me, please just let me know.

Sincerely,
Mark

MARK R. FARTHING, Senior Assistant Deputy Attorney General
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