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Feb 16 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RAPHAEL PONTOO,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR FIFTH 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 February 16, 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 post-conviction relief appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel 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 Rehearing in the Court of Appeals in State v. Charles Dent; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Mazar Nathaniel Sturdivant and State v. Mathia Lamont Chambers. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office, has prepared for and presented at a continuing legal education seminar for solicitors on behalf of the South Carolina Commission on Prosecution Coordination, has prepared for and presented at a continuing legal education seminar for government lawyers on behalf of the South Carolina Attorney General’s Office, and has prepared materials for a continuing legal education seminar that will be conducted later this month by the South Carolina Bar.

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.

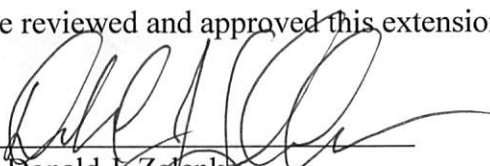
Respectfully submitted,

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

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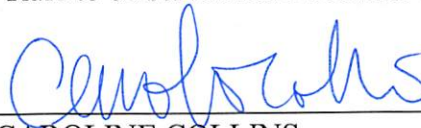
Respondent.

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 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 16th day of February, 2024.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General