

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SAMUEL TERRELL RISER,

APPELLANT

APPELLATE CASE NO. 2023-000743

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for appellant respectfully requests a **final extension of five business days, until March 19, 2024**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel regrets having to request this extension and will make every effort to file the brief prior to the deadline.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fifth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter are due to be filed with the Court today. The Court has granted counsel four previous extensions. **Counsel understands that a fifth extension is strongly disfavored.**

2. Counsel for Samuel T. Riser respectfully submits that extraordinary

circumstances exist which warrant the granting of an additional extension of time. **Counsel was recently out of the office for multiple days due to illness and was therefore unable to meet the previous deadline.** Given the number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Timothy C. Turbeville v. State with the Supreme Court on February 23, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Charles E. Price with the Court of Appeals on February 23, 2024. Counsel filed the Anders Brief of Appellant, Designation of Matter, and Record on Appeal in the case of The State v. Robert A. Carter with the Court of Appeals on February 9, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Christopher A. Comer with the Court of Appeals on February 1, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. TyChristian Ladson with the Court of Appeals on January 31, 2024.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

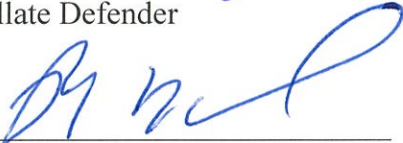
5. On February 28, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **final extension of five business days, until March 19, 2024**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

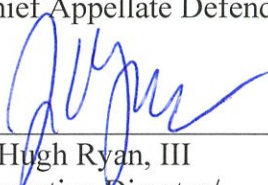
Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervy B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 13th day of March, 2024.

RECEIVED

Mar 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

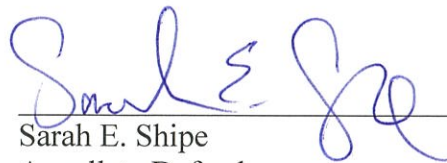
SAMUEL TERRELL RISER,

APPELLANT

APPELLATE CASE NO. 2023-000743

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 13th day of March, 2024.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: [Shipe, Sarah](#); ccollins@scag.gov
Subject: 2023-000743 The State v. Samuel T. Riser Extension 5
Date: Wednesday, March 13, 2024 2:51:00 PM
Attachments: [2023-000743 The State v. Samuel T. Riser Extension 5.pdf](#)

Good Afternoon Mr. Farthing,

Please find attached for service in the above-referenced case the fifth motion for an extension of time to file the Initial Brief of Appellant and Designation of Matter. This motion will be filed with the Court of Appeals today, March 13, 2024, via email filing.

Thank you!

Sara McInnis

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330