

**RECEIVED**

**Apr 10 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal From Greenville County  
The Honorable G.D. Morgan, Jr., Circuit Court Judge

---

STATE OF SOUTH CAROLINA,

Respondent,

vs.

RANDY LEE FLOWER,

Appellant.

Appellate Case No: 2023-000126

---

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

---

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

**I.**

The Initial Brief of Respondent and Designation of Matter were due to be served and filed on April 8, 2024. However, due to a calendaring error, counsel for the State mistakenly failed to file those documents on time.

**II.**

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a), SCACR, and Rule 209(a), SCACR, and permit the State to file a

motion for a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter out of time. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to the respondent and does not believe this request will result in any prejudice to the respondent should it be granted.

### III.

Additionally, 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. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I have been unable to complete this brief on time. Since the last extension was requested in this matter I have filed a Brief of Respondent in Clinton Folkes v. State of South Carolina and Charles Williams, Jr, Warden, Perry Correctional Center (2023-000839), an original writ matter, filed a Petition For Rehearing in State v. Mark Anthony Hailey, Jr. (2020-001276), and a return to petition for writ of certiorari in State v. Rodney Jerome Furtick (2024-000241) and a brief of respondent in State v. Rashawn Vertez Carter (2023-000632). In addition to the above, I prepared for and argued on behalf of the State before the State of South Carolina Supreme Court in State v. Richard Kenneth Galloway (2022-000914).


This extension request is not intended for purpose of delay, but rather to ensure that the brief is properly researched and prepared. I would therefore ask this Court to accept the State’s motion for an extension of time out of time and to grant an extension of time within which to serve

and file the Initial Brief of Respondent and Designation of Matter. (2024-000241). In addition, I argued on behalf of the State in

**WHEREFORE**, Respondent prays that the Court relax the requirements of Rule 242(f), SCACR; accept the filing of the Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter out of time; extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

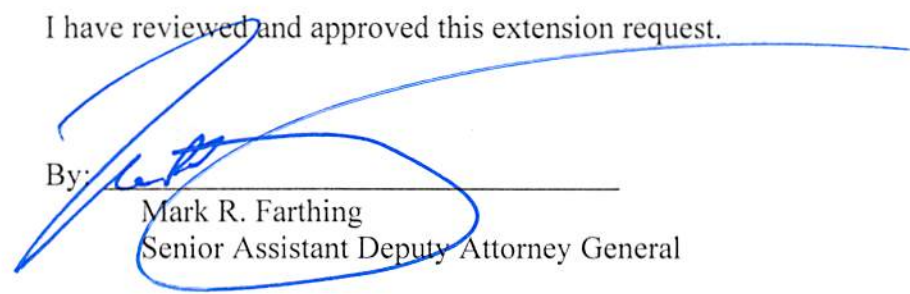
ALAN WILSON  
Attorney General

  
\_\_\_\_\_  
JOSHUA A. EDWARDS  
Assistant Attorney General  
S. C. Bar No: 101188

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By:   
\_\_\_\_\_  
Mark R. Farthing  
Senior Assistant Deputy Attorney General

April 10, 2024

**RECEIVED**

**Apr 10 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal From Greenville County  
The Honorable G.D. Morgan, Jr., Circuit Court Judge

---

STATE OF SOUTH CAROLINA,

Respondent,

vs.

RANDY LEE FLOWER,

Appellant.

Appellate Case No: 2023-000126

---


**PROOF OF SERVICE**

---

I, Anne Mueller, certify that I have served the Motion To File Extension Request Out Of Time And Motion For Third Extension Of Time Within Which To Serve And File Initial Brief Of Respondent And Designation Of Matter on Elizabeth Franklin-Best, counsel for the Appellant by electronic mail to the address listed for counsel on AIS.

I further certify that all parties required by Rule to be served have been served.

This 10<sup>th</sup> day of April, 2024.

  
Anne A. Mueller  
Legal Assistant for the Respondent

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737