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May 03 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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On Petition for Writ of Certiorari to Spartanburg County  
Honorable Brian M. Gibbons, Circuit Court Judge  
Appellate Case No. 2023-000551

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ANTHONY BRIGGS,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE RETURN TO PETITION  
FOR WRIT OF CERTIORARI**

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

**I.**

The Return to Petition for Writ of Certiorari in this post-conviction relief appeal is due to be served and filed May 3, 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** and **final** extension in the above-referenced post-conviction relief appeal and asks for an additional **ten-day** extension until Monday, May 13, 2024, to complete the return in this case. Earlier this week, the undersigned counsel participated in an

oral argument before the Supreme Court at Coker University in Hartsville, South Carolina in State v. Derrick Tyler Mills. Additionally, in the past few weeks, the undersigned counsel has submitted a response to a pro se filing at the request of the Court of Appeals in State v. Bryan Murray; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Joquell Wayne Myers; has filed a Return to Petition for Writ of Certiorari in the Supreme Court in John Upson v. State; has filed the Final Brief of Appellant and Record on Appeal in the Court of Appeals in State v. Justin Tyler Anderson; and has filed the Final Brief of Respondent in the Court of Appeals in State v. James B. Curry. 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 Return in this case and intends to have it finished by no later than the end of the requested ten-day time period. However, the undersigned counsel—who had no prior involvement in the case until the appellate stage—has not yet been able to finish the Return due to a heavy workload and other challenges stemming from significant staffing issues within the South Carolina Attorney General’s Office’s post-adjudication section, and other unanticipated matters that have arisen. Accordingly, in order to ensure the Return is properly researched and prepared, I would therefore request one final additional ten-day 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 Petition for Writ of Certiorari in this case for a period of ten days; 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.

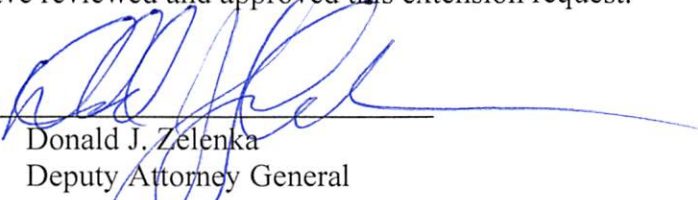
Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Deputy Attorney General

By:   
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Mark R. Farthing  
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By:   
\_\_\_\_\_  
Donald J. Zelenka  
Deputy Attorney General

May 3, 2024