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May 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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On Writ of Certiorari to Colleton County  
Honorable William H. Seals, Circuit Court Judge  
Appellate Case No. 2020-001106

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MAURIO D. RIVERS,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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**MOTION FOR FIFTH EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE BRIEF OF RESPONDENT**

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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 May 17, 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. Earlier today, the undersigned filed a Brief of Respondent in the Supreme Court in State v. Terrell Denard Knightner. Additionally, earlier this week, the undersigned filed a Return to Petition for Writ of Certiorari in the Supreme Court in Anthony Briggs v. State and a Return to a “Complaint for

Declaratory Relief in the Original Jurisdiction of the Supreme Court” in the Supreme Court in Brian McGill v. State. Furthermore, in the past few weeks, the undersigned counsel has filed a Brief of Petitioner in the Supreme Court in In the Matter of Lauren Martel, Esq.; 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 Final Brief of Appellant and Record on Appeal in the Court of Appeals in State v. Justin Tyler Anderson; has filed a Final Brief of Respondent in the Court of Appeals in State v. James B. Curry; and has participated in oral argument before the Supreme Court at Coker University in Hartsville, South Carolina, in State v. Derrick Tyler Mills. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office.

### III.

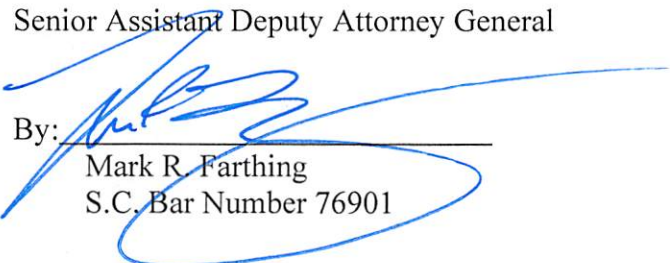
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel has not yet been able to finish the Brief due to a heavy workload, other significant challenges that have resulted from staffing issues 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: s/Donald J. Zelenka  
Donald J. Zelenka  
Deputy Attorney General

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STATE OF SOUTH CAROLINA,

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**PROOF OF SERVICE**

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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 addresses listed in AIS for the following individual:

Kathrine Haggard Hudgins, Esquire  
S.C. Commission on Indigent Defense  
1330 Lady St., Ste.401  
Columbia, SC 29201

I further certify all parties required by Rule to be served have been served.  
This 17th day of May, 2024.



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CAROLINE COLLINS  
Administrative Coordinator  
Office of the Attorney General