

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County  
The Honorable H. Steven DeBerry, IV, Circuit Court Judge  
Appellate Case No. 2023-000868

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THE STATE,

Respondent,

vs.

DRISCOLL RIGGINS, JR.,

Appellant.

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

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

**I.**

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on June 12, 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** extension in the above-referenced criminal 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 a Final Brief of Respondent in the Court of Appeals in The State v.

Marcus Alexander Wigfall (2023-000236); an Initial Brief of Respondent and Designation of Matter in The State v. Matthew Joseph Hogan (2023-000565); and has filed a Return to Petition for Writ of Certiorari in Brian K. Spears v. State of South Carolina (2023-001070).

### III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves three important issues. 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. 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.

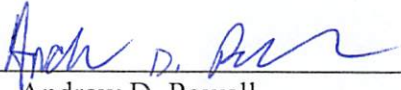
Please be advised that the State and Appellate Defense continue to consent to any requests for extensions or out-of-time filings. This limited consent applies to requests up to and including June 30, 2024.

**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter 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.

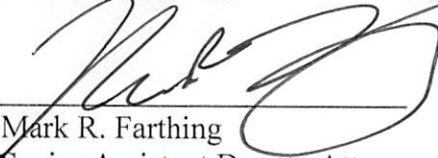
Respectfully submitted,

ALAN WILSON  
Attorney General

ANDREW D. POWELL  
Assistant Attorney General

By:   
\_\_\_\_\_  
Andrew D. Powell  
S.C. Bar Number 106415

I have reviewed and approved this extension request.

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

By: *h/ Donald J. Zelenka*  
\_\_\_\_\_  
Donald J. Zelenka  
Deputy Attorney General

June 12, 2024

**RECEIVED**

**Jun 12 2024**

**SC Court of Appeals**

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THE STATE,

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Appellant.

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**PROOF OF SERVICE**

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I, Grace Sommer, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Gary H. Johnson, II, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.  
This 12<sup>th</sup> day of June, 2024.

  
GRACE SOMMER

Legal Assistant  
Office of the Attorney General