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Jul 19 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
Honorable Frank R. Addy, Jr., Circuit Court Judge
Appellate Case No. 2023-000501

THE STATE,

Respondent,

vs.

SCOTTY JOE FOWLER

Appellant.

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

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 July 19, 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. Earlier today, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in

State v. Christopher Adam Comer. Additionally, in the past few weeks, the undersigned counsel has filed a Return to Petition for Writ of Certiorari in the Supreme Court in Nathaniel Hampleton v. State and State v. Mark Gilbert; filed a return to a pro se request for relief in the South Carolina Supreme Court's original jurisdiction at the request of the Supreme Court in Edward Jones v. The Honorable Alex Kinlaw, Jr. and Michael Anthony Breyan v. State; and filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Jason Bryan McSwain and State v. Terrio Jacquard Thomas. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office and has prepared for and appeared at a virtual circuit court hearing related to reconstruction of missing portions of the record in State v. Michael Dwayne Williams, Sr.

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 involves an important issue regarding the trial court's denial of a directed verdict in an attempted murder case. 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, other significant challenges that have resulted from staffing issues that continue to be experienced by the undersigned counsel's office, and other unexpected issues that arose requiring 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 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

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: 

Donald J. Zelenka
Deputy Attorney General

July 19, 2024

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THE STATE,

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Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the 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:

Tristan Michael Shaffer, Esquire
Tristan M. Shaffer Attorney at Law
Post Office Box 1135
Irmo, South Carolina 29063

I further certify all parties required by Rule to be served have been served.
This 19th day of July, 2024.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General