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Jul 29 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
Honorable Perry H. Gravely, Circuit Court Judge
Appellate Case No. 2023-000892

THE STATE,

Respondent,

vs.

RODNEY DAVID RIGGINS,

Appellant.

**MOTION FOR THIRD 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 29, 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 **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Last week, the undersigned counsel filed a Final Brief of Respondent, Amended Designation of Matter, and Supplemental Record on

Appeal in the Court of the Appeals in State v. Joquell Wayne Myers; filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Randolph Ashford; and filed the Final Brief of Respondent in the Court of Appeals in State v. Terrio Jacquard Thomas. 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; 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 filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Jason Bryan McSwain and State v. Christopher Adam Comer. 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 in State v. Michael Dwayne Williams, Sr. related to reconstruction of missing portions of the record.

III.

The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case involves an important issue concerning the trial judge's denial of a directed verdict motion. 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 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

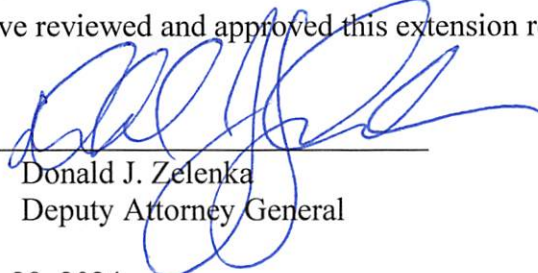
MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 

Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By:


Donald J. Zelenka
Deputy Attorney General

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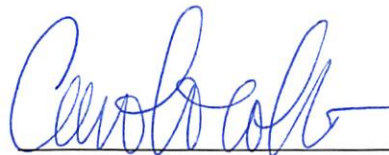
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the Third 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 addresses listed in AIS for the following individuals:

Jessica M. Saxon, Esquire
S.C. Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

I further certify all parties required by Rule to be served have been served.
This 29th day of July, 2024.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General