

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case No. 2023-001483

THE STATE,

Respondent,

vs.

JOHN KENNETH TOTTEROW,

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 October 16, 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. In the past few weeks, the undersigned counsel has had two oral arguments in the Supreme Court; The State v. Phillip Guderyon (2023-

000633) and Clinton Folkes v. State (2023-000833), filed three Final Briefs of Appellant in The State v. Samuel Riser (2023-000743), The State v. Randy Flower (2023-000126), and The State v. James Earl Smith (2023-000798), filed an Amended Return to Petition of Writ of Certiorari in Carnie Norris v. State (2024-000216), filed a Brief of Petitioner in The State v. Mark Hailey (2024-001039), had an oral argument in the Court of Appeals in The State v. Robert Gentry (2021-000692), and filed a Return to Petition for Writ of Certiorari in Rishawn Reeder v. State (2023-001459).

III.

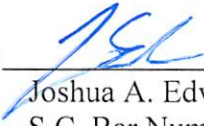
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able 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.

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

JOSHUA A. EDWARDS
Assistant Attorney General

By: 
Joshua A. Edwards
S.C. Bar Number 101188

I have reviewed and approved this extension request.

By: 
Mark R. Farthing
Senior Assistant Deputy Attorney General

October 16 , 2024

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Oct 16 2024

SC Court of Appeals

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PROOF OF SERVICE

I, Susan Spencer, certify I have served the within Motion for 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 William G. Yarborough, III and Lauren C. Hobbs to the addresses listed in AIS.

I further certify all parties required by Rule to be served have been served.
This 16th day of October, 2024.



SUSAN SPENCER

Legal Assistant

Office of the Attorney General