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Oct 23 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County  
Honorable George M. McFaddin, Jr., Circuit Court Judge  
Appellate Case No. 2023-000820

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THE STATE,

Respondent,

vs.

RICKY LEROY SINGER, JR.,

Appellant.

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**MOTION FOR FIFTH 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 October 23, 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 criminal appeal and asks for an additional thirty days to complete the brief in this case. Earlier today, the undersigned counsel filed a Return to Petition for Writ of Certiorari in the Supreme Court in Michael Orlando

Brown v. State. Additionally, in the past few weeks, the undersigned counsel has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Timothy Matthew Voegeli; and filed a Final Brief of Respondent in the Court of Appeals in State v. Scotty Joe Fowler. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office, has been away from the office attending the 2024 South Carolina Solicitors’ Conference for multiple days, and has prepared for and presented at: (1) a training program for statewide law enforcement officers on search and seizure issues at the request of the South Carolina Commission on Prosecution Coordination; (2) a continuing legal education seminar for younger prosecutors on preserving and protecting the record at the request of the South Carolina Commission on Prosecution Coordination; (3) a continuing legal education seminar for DUI prosecutors and others at the 2024 South Carolina Solicitors’ Conference; and (4) a continuing legal education seminar on recent significant appellate decisions at the 2024 South Carolina Solicitors’ Conference.

### 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 evidentiary issue on appeal. 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 and other 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.

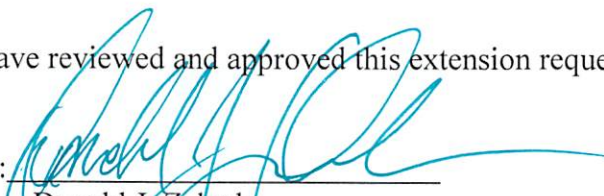
Respectfully submitted,

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

October 23, 2024

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THE STATE,

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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 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:

Gary H. Johnson, II, 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 23rd day of October, 2024.



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CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General