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Dec 09 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Benjamin Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RICO A. FUNDERBURK,

APPELLANT.

APPELLATE CASE NO. 2024-000172

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for appellant respectfully requests a thirty (30) day extension, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed today.
2. Counsel had an oral argument in the case of Holly Jo Thompson v. State in the Court of Appeals on December 3, 2024. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Vincent Missouri v. The State with the Supreme Court on

November 25, 2024. Counsel filed the Petition for Rehearing in the case of State v. Darrell D. Wilson with the Court of Appeals on November 21, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Philip Miller with the Court of Appeals on November 20, 2024. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Ronald Michaux v. The State with the Supreme Court on November 18, 2024. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Clyde Singletary v. The State with the Supreme Court on November 12, 2024. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Akeem Hampton with the Court of Appeals on November 6, 2024. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Akeem Hickman with the Court of Appeals on October 31, 2024. Counsel attended the annual South Carolina Public Defender Conference in Myrtle Beach, South Carolina from October 14-16, 2024. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Billy Geisendorff v. The State with the Supreme Court on October 11, 2024. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Paul Lamberth with the Court of Appeals on October 10, 2024.

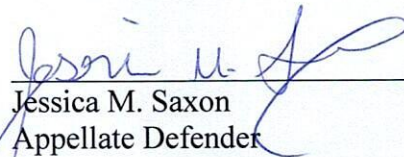
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that her caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On November 27, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by

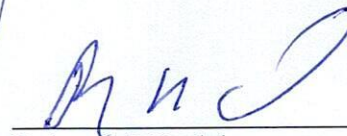
Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 9th day of December, 2024.

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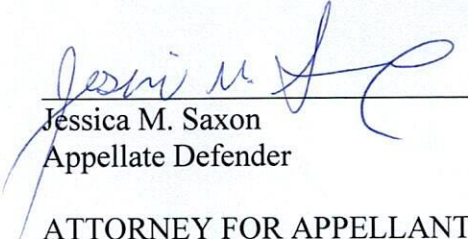
RICO A. FUNDERBURK,

APPELLANT.

APPELLATE CASE NO. 2024-000172

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Mark R. Farrthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 9th day of December, 2024.



Jessica M. Saxon
Appellate Defender

ATTORNEY FOR APPELLANT

Leverett, Scott

From: Leverett, Scott
Sent: Monday, December 9, 2024 4:02 PM
To: SC - FARTHING MARK
Cc: SC - COLLINS CAROLINE; Saxon, Jessica
Subject: 2024-000172 - State v. Rico A. Funderburk - Extension 3
Attachments: 2024-000172 - State v. Rico A. Funderburk - Extension 3.pdf

Dear Mr. Farthing,

Attached please find a copy of the third extension in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Jessica Saxon
Appellate Defense