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Jan 08 2025

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 **fourth and final thirty (30) day extension from January 8, 2025, until February 7, 2025**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth 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 with the Court today.
2. Counsel for appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Akim Jean-Charles with the Court of Appeals on January 3, 2025. Counsel filed the brief of petitioner in the case of Maurice Odom v. State with the Cour of Appeals on January 3, 2025. Counsel filed the brief of petitioner in the case of Derrick M. Miller v. State with the Court of Appeals on January 3, 2025. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Jaren Meyers v. The State with the Supreme Court on December 23, 2024. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Daniel J. Reed v. The State with the Supreme Court on December 20, 2024. Counsel filed the Brief of Respondent in the case of Mitchell Rivers v. State with the Supreme Court on December 16, 2024. 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.

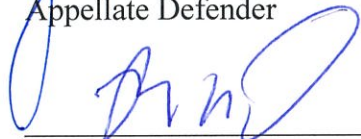
4. On December 31, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2025.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from January 8, 2025, until February 7, 2025**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

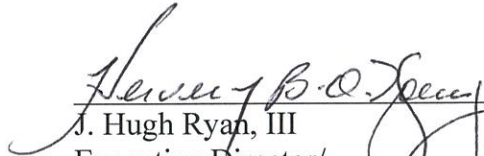
Respectfully submitted,



Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 8th day of January, 2025.

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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. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 8th day of January, 2025.


Jessica M. Saxon
Appellate Defender
ATTORNEY FOR APPELLANT

Leverett, Scott

From: Leverett, Scott
Sent: Wednesday, January 8, 2025 4:43 PM
To: SC - FARTHING MARK
Cc: SC - COLLINS CAROLINE; Saxon, Jessica
Subject: 2024-000172 - State v. Rico A. Funderburk - Extension 4
Attachments: 2024-000172 - State v. Rico A. Funderburk - Extension 4.pdf

Dear Mr. Farthing,

Attached please find a copy of the fourth 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