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Mar 07 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable Daniel D. Hall, Circuit Court Judge
Appellate Case No. 2024-000473

THE STATE,

Respondent,

vs.

XAVIER LAMAR HOLBROOKS,

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 March 7, 2025.

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. Earlier this week, the undersigned submitted a Final Brief of Respondent, Motion to File a Supplemental Record on Appeal, and

Supplemental Record on Appeal in the Court of Appeals in State v. Randolph Ashford.

Additionally, in the past few weeks, the undersigned counsel has participated in oral argument at the Court of Appeals in In the Interest of Khalid J.; has submitted an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Antwan Demetric McMillan; has submitted a Brief of Petitioner in the Court of Appeals in Gabriel Rios v. State; and has submitted a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Tremaine O'Keefe Pride. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office, has prepared for and participated in a meeting of the South Carolina Prosecutor's Review Committee to make the probable cause determinations required by the Sexually Violent Predator Act, has prepared for and presented at a continuing legal education seminar for solicitors on behalf of the South Carolina Commission on Prosecution Coordination, and has prepared for and presented at a continuing legal education seminar conducted by the South Carolina Bar.

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 evidentiary issue concerning the admission of a photograph. 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 have required the undersigned counsel's attention. Accordingly, 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

March 7, 2025

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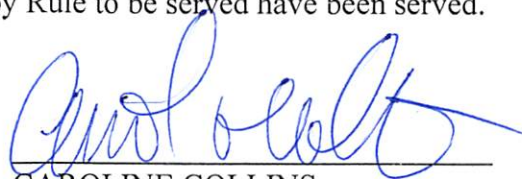
Appellant.

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 address listed in AIS for the following individual:

Robert M. Dudek, Esquire
S.C. Commission on Indigent Defense
Office of Appellate Defense
PO Box 11589
Columbia, SC 29201

I further certify all parties required by Rule to be served have been served.
This 7th day of March, 2025.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General