

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Horry County  
The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No: 2024-000172

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THE STATE,

Respondent,

vs.

RICO ANTONIO FUNDERBURK,

Appellant.

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**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH TO SERVE AND FILE  
THE INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to the Court today, pursuant to two previous extensions granted by the Court.

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 Respondent moves for a third extension in the above referenced appeal. Due to work required in other cases pending before this Court, the undersigned counsel is unable to complete this Brief on time. Since the last extension was granted in this matter, the undersigned counsel has filed an

Initial Brief of Respondent and Designation of Matter in The State v. James Elton Riles (2024-000650) and has prepared for and completed an Oral Argument in the South Carolina Court of Appeals in The State v. Driscoll Riggins, Jr. (2023-000868). Counsel would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

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 (30) days; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General



ANDREW D. POWELL  
Assistant Attorney General  
S. C. Bar No: 106415

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I have reviewed and approved this extension request.

By: 

Mark R. Farthing  
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

May 27, 2025

**RECEIVED**

**May 27 2025**

**SC Court of Appeals**

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**PROOF OF SERVICE**

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I, Grace Sommer, certify that I have served the Motion for Extension of Time on Jessica M. Saxon, Esquire, counsel of record for the Appellant, by sending one copy by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.  
This 27<sup>th</sup> day of May, 2025.



GRACE SOMMER  
Legal Assistant

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