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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort and Hampton Counties
Honorable Clifton Newman, Circuit Court Judge
Appellate Case No. 2023-001493

THE STATE,

Respondent,

vs.

CORY HOWERTON FLEMING,

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 September 12, 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. In the past few weeks, the undersigned counsel has submitted a Petition for Rehearing to the Court of Appeals in State v.

Justin Tyler Anderson; a Return to Petition for Writ of Certiorari to the Supreme Court in Maurio Daetrel Rivers v. State; and an Initial Brief of Respondent and Designation of Matter to the Supreme Court in State v. Richard Alexander Murdaugh. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office, has prepared materials for and presented at the 2025 Magistrates Advisory Council Intensive Training Seminar on behalf of the South Carolina Commission on Prosecution Coordination and the South Carolina Judicial Branch, and has prepared materials for an upcoming continuing legal education seminar for solicitors on behalf of the South Carolina Commission on Prosecution Coordination.

III.

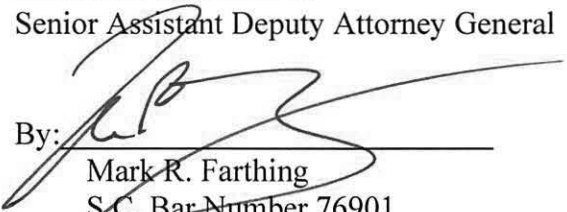
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case involves an allegation of error concerning Appellant’s sentence. The undersigned counsel is currently working on the Brief in this case and 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.

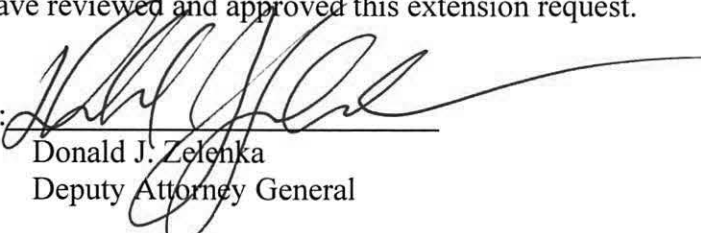
Respectfully submitted,

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

September 12, 2025

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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 addresses listed in AIS for the following individuals:

Elizabeth A. Franklin-Best, Esq.
elizabeth@franklinbestlaw.com

Deborah B. Barbier, Esq.
dbb@deborahbarbier.com

I further certify all parties required by Rule to be served have been served.
This 12th day of September, 2025.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General