

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Sep 24 2025

SC Court of Appeals

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Appeal from Pickens County  
Honorable Patrick C. Fant, III, Circuit Court Judge  
Appellate Case No. 2024-001211

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THE STATE,

Respondent,

vs.

ROBERT ALLEN HENDERSON, JR.,

Appellant.

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

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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 24, 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 Brief of Petitioner in the Court of Appeals in Erick Edward

Wells v. State; a Petition for Writ of Certiorari and Appendix in the Supreme Court in State v. Justin Tyler Anderson; a Return to Petition for Rehearing in the Court of Appeals in Gary Lamont Petty v. State; and a Return to Petition for Writ of Certiorari to the Supreme Court in Maurio Daetrel Rivers v. State and State v. Joseph Martin Swaringen. Along with that, the undersigned counsel has also 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.

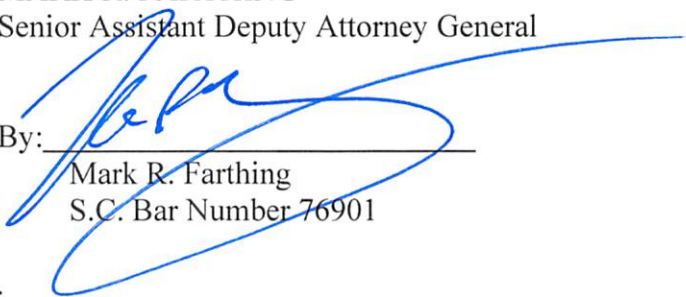
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case involves an important search and seizure issue related to the constitutionality of a search on appeal. The undersigned counsel is currently 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.

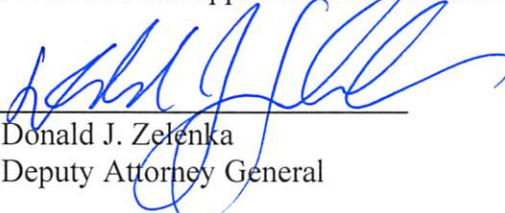
Respectfully submitted,

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 24, 2025

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**PROOF OF SERVICE**

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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:

Sarah Elizabeth Shipe, Esquire  
S.C. Commission on Indigent Defense  
1330 Lady Street, Suite 401  
Columbia, SC 29201

I further certify all parties required by Rule to be served have been served.  
This 24th day of September, 2025.



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CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General