

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Oct 13 2025

SC Court of Appeals

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

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THE STATE,

Respondent,

vs.

CORY HOWERTON FLEMING,

Appellant.

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**MOTION FOR FOURTH 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 October 13, 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 **fourth** and **final** 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 Return to Petition for Writ of Certiorari to the Supreme

Court in State v. Joseph Martin Swaringen; a Final Brief of Appellant and Record on Appeal to the Court of Appeals in State v. Chad Eugene Gibbs; a Petition for Writ of Certiorari and Appendix to the Supreme Court to State v. Justin Tyler Anderson; a Return to Petition for Rehearing to the Court of Appeals in Gary Lamont Petty v. State; a Brief of Petitioner to the Court of Appeals in Erick E. Wells v. State; and an Initial Brief of Respondent and Designation of Matter to the Court of Appeals in State v. Robert Allen Henderson, Jr. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office and has prepared materials for and participated in four separate presentations covering a variety of topics at the 2025 South Carolina Solicitors’ Annual Conference on behalf of the South Carolina Solicitors’ Association and the South Carolina Commission on Prosecution Coordination.

### III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances 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 one final 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

October 13, 2025

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THE STATE,

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Appellant.

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**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Motion for the Fourth 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](mailto:elizabeth@franklinbestlaw.com)

Deborah B. Barbier, Esq.  
[dbb@deborahbarbier.com](mailto:dbb@deborahbarbier.com)

I further certify all parties required by Rule to be served have been served.  
This 13th day of October, 2025.



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CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General