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Nov 21 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable G. D. Morgan, Jr., Circuit Court Judge
Appellate Case No. 2024-001413

THE STATE,

Respondent,

vs.

LEVY ERNEST DUNN, III,

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 November 21, 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 participated in oral argument in the Court of Appeals for State v. Juan

Manuel Ramirez Sandoval; has submitted the Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Cory Howerton Fleming; has submitted a Return to Petition for Rehearing and Motion to Abate Ab Initio in State v. Stephen William Flood; has submitted a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Harold Gene White, III and State v. Terry Shaimek Tyler; has submitted a Brief of Respondent in the Court of Appeals in Anthony Briggs v. State; has submitted a Final Brief of Respondent in the Court of Appeals in State v. Robert Allen Henderson, Jr.; and has submitted a Final Brief of Respondent in 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 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, and has organized and participated in a panel discussion for law students on behalf of the South Carolina Bar’s Trial and Appellate Advocacy Section.

III.

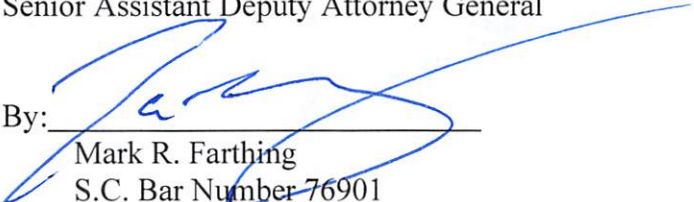
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case involves an important issue regarding a claim the trial judge erred by refusing to grant a mistrial. The undersigned counsel is currently 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.

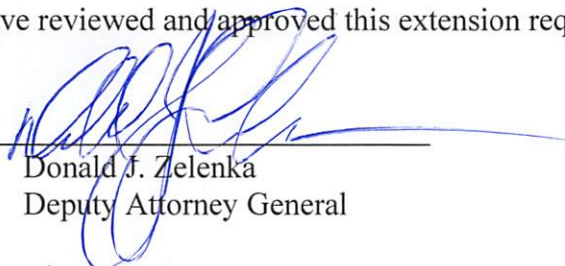
Respectfully submitted,

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

November 21, 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 address listed in AIS for the following individual:

Kathrine H. Hudgins, Esquire
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 21st day of November, 2025.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General