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Mar 05 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Horry COUNTY
Court of General Sessions

The Honorable Michael G. Nettles

Appellate Case No. 2025-001023

The State of South Carolina,

Respondent,

v.

Rodolfo S. Moreno,

Appellant.

MOTION FOR EXTENSION OF TIME

This matter is before the Court on the undersigned Counsel's Motion for Extension of Time to file the Initial Brief of Appellant and Designation of Matter in the above-captioned case.

The Initial Brief of Appellant and Designation of Matter are due on **March 9, 2026**.

I, Dayne C. Phillips, Esq., respectfully request a thirty (30) day extension of time to serve and file the Initial Brief of Appellant and Designation of Matter. This is Counsel's **fourth and final** request for an extension of time and is not intended for purposes of delay as it is reasonable and necessary due to Counsel's work schedule.


Counsel is preparing for a murder trial beginning March 9, 2026, in Aiken County General Sessions Court. On March 5, 2026, Counsel had two hearings at West Columbia Municipal Court. On March 4, 2026, Counsel had a hearing before the SC Department of Probation, Parole, and

Pardon Services. On March 4, 2026, Counsel had a hearing in Lexington Magistrate Court. On March 3, 2026, Counsel had a post-conviction relief hearing in Newberry County Court of Common Pleas. On March 2, 2026, Counsel filed a Petition for Writ of Certiorari in the case of *State v. Ernest Bethel* with the SC Supreme Court. On February 26, 2026, Counsel filed a petition for rehearing in the case of *State v. Marc Mckeiver* with this court. On February 25, 2026, Counsel had a hearing in Lexington County Magistrate Court. On February 24, 2026, Counsel had a motion hearing in Lexington County General Sessions Court. On February 19, 2026, Counsel had a plea hearing in Lexington County General Sessions Court and a plea hearing in Orangeburg County General Sessions Court. On February 19, 2026, Counsel filed a Motion to Alter or Amend Judgment pursuant to Rule 59(e), SCRPC. On February 18, 2026, Counsel had a plea hearing in Lexington County General Sessions Court and a plea hearing in Aiken County General Sessions Court. On February 17, 2026, Counsel had a plea hearing in Richland County General Sessions Court, status conference in Lancaster General Sessions Court, and a motion hearing in Batesburg-Leesville Municipal Court. On February 13, 2026, Counsel was Co-Chair and Moderator of a SCACDL CLE seminar. On February 11, 2026, Counsel had a motion hearing in Berkeley County General Sessions Court. On February 2, 4 – 6, 2026, Counsel had a trial for Assault and Battery of a High and Aggravated Nature in Lexington County General Sessions Court. Please note that this list is not exhaustive of Counsel's schedule and does not include all court appearances, motions, and meetings.

I notified Senior Assistant Deputy Attorney General Mark Farthing of this request via email, and he consented to this request.

THEREFORE, Appellant respectfully requests a **final thirty (30) day extension** for the service and filing of the Initial Brief of Appellant and Designation of Matter in this case.

Respectfully Submitted,

s/ Dayne C. Phillips 

Dayne C. Phillips, Esq.

PRICE BENOWITZ LLP

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March 5, 2026

ATTORNEY FOR APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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The State of South Carolina,

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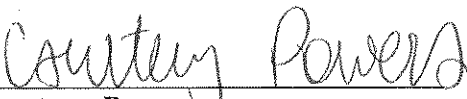
Rodolfo S. Moreno,

Appellant.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the within and foregoing Motion for Extension of Time by emailing and depositing a true and correct copy of the same via first-class mail, postage prepaid, upon all parties as follows:

Mark Farthing, Esq., SC Attorney General's Office, PO Box 11549, Columbia, SC 29211


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March 5, 2026

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March 5, 2026

The Honorable Jenny Kitchings
Clerk of Court, SC Court of Appeal
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: State v. Rodolfo S. Moreno
MOTION FOR EXTENSION OF TIME
Appellate Case No.: 2025-001023

Dear Ms. Kitchings:

I have enclosed the original Motion for Extension of Time, along with a Certificate of Service that I also emailed for filing today in the above-referenced case. Thank you for your assistance with filing this document.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

cc: **Rodolfo Moreno**
Mark Farthing, Esq.

s/ Dayne C. Phillips
Dayne C. Phillips, Esq.

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