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Sep 08 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Michael G. Nettles, Circuit Court Judge
Appellate Case No. 2025-001023

THE STATE,

Respondent,

vs.

RODOLFO S. MORENO,

Appellant.

**MOTION FOR FIFTH 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 8, 2026.

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 **fifth** and **final** extension in the above-referenced criminal appeal and asks for an additional **five days** to complete the brief in this case. In the past few weeks, the undersigned counsel has submitted an Initial Brief of Respondent and Designation of Matter to

the Court of Appeals in State v. Darryl Jerome Washington; has submitted an Initial Brief of Appellant and Designation of Matter to the Court of Appeals in In the Interest of Thomas D.P.; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. Marcus A. Wigfall; has submitted a Final Brief of Respondent to the Court of Appeals in State v. Kenneth Miller, Jr., State v. Telvin Quintavis Jackson, and State v. Shaneeka Stroman; has submitted a Final Brief of Appellant and Record on Appeal to the Court of Appeals in State v. Leon Lee Harris, Jr.; and has submitted a Supplemental Record on Appeal to the Court of Appeals in State v. William David Gunn. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office and has prepared and submitted materials for the 2026 South Carolina Solicitors’ Annual Conference.

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 a challenge to the voluntariness of the defendant’s statement. The undersigned counsel is currently working on the Brief in this case, and it is nearly complete. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload, challenges that have resulted from substantial staffing issues currently being experienced by the undersigned counsel’s office and section, and some unanticipated matters that have required the undersigned counsel’s attention. Accordingly, to ensure the Brief is properly researched and prepared, I would therefore request one final five-day extension of time within which to serve and file the Brief.

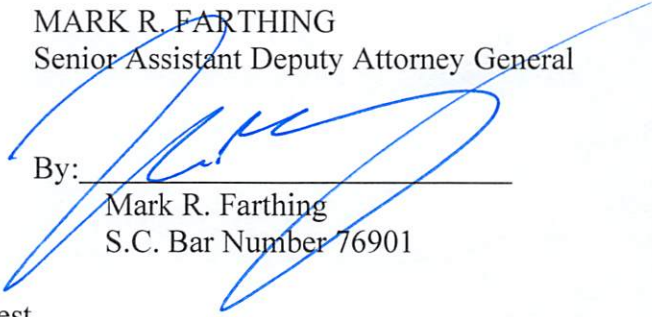
WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for five days from

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.

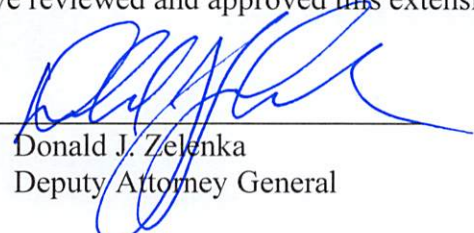
Respectfully submitted,

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 8, 2026

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PROOF OF SERVICE

I, Grace Sommer, certify I have served the within Motion for the Fifth 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:

Dayne C. Phillips, Esquire
Price Benowitz LLP
1614 Taylor Street, Suite D
Columbia, South Carolina 29201

I further certify all parties required by Rule to be served have been served.
This 8th day of September, 2026.



GRACE SOMMER
Administrative Support Manager
Office of the Attorney General