

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County  
Honorable Edward B. Cottingham, Circuit Court Judge  
Appellate Case No. 2011-203769

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THE STATE,

Respondent, **RECEIVED**

vs.

MAY 06 2014

ALEX LORENZO ROBINSON,

**SC Court of Appeals**

Appellant.

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**MOTION FOR EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE PETITION FOR REHEARING**

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Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

On April 23, 2014, this Court issued a published opinion in which it reversed Appellant Alex Lorenzo Robinson’s conviction for trafficking in cocaine. State v. Robinson, Op. No. 5224 (S.C. Ct. App. filed April 23, 2014). The State intends to file a petition for rehearing in the above-referenced criminal appeal. Pursuant to Rule 221(a), SCACR, the State’s petition for rehearing is due to be served and filed by May 8, 2014.

**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 single eleven-day extension in the above-referenced criminal appeal to extend the filing deadline for the State's petition for rehearing until Monday, May 19, 2014. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I do not believe I will be able to complete the State's petition on time. In the past few weeks, the undersigned has participated in oral argument at the Supreme Court in In re Stephen W. and In re Kevin R., has participated in oral argument at this Court in State v. Kendrick D. Littlejohn, State v. Mark Stanley Peters, and State v. Randy Jarrod Crosby, has submitted Briefs of Respondent to the Supreme Court in State v. Salley and State v. Morris, has submitted an Initial Brief of Appellant to this Court in State v. Bash, has submitted Initial Briefs of Respondent to this Court in State v. Branyon and State v. Slocumb, has submitted a Return to Petition for Rehearing to this Court in State v. Reaves, and has submitted Returns to Petitions for Writ of Certiorari to the Supreme Court in State v. Parker and State v. Hilton. Additionally, since this Court issued its opinion in Appellant's case on April 23, 2014, the undersigned has submitted Initial Briefs of Respondent to this Court in State v. Byrd, and State v. Poe, has submitted a Petition for Rehearing to this Court in State v. Portillo, and has submitted a Return to Petition for Rehearing to this Court in State v. Portillo. Furthermore, the undersigned is preparing for an oral argument in the Supreme Court scheduled for 10:00 a.m. on May 8, 2014, in State v. William Coaxum, Sr., which is the same date as the current filing deadline for the State's petition for rehearing in Appellant's case.

### III.

This extension request is not intended for purposes of delay, but rather to ensure that the petition is properly researched and prepared. The undersigned believes that it is necessary for the State to file a petition for rehearing in this case, and that petition will address a significant

constitutional issue. The undersigned is currently working on the petition in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the petition for rehearing until Monday, May 19, 2014. No further extensions will be necessary or requested in regard to this petition.

**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Petition for Rehearing in this case until Monday May, 19, 2014; hold this matter in abeyance pending a ruling on Respondent's motion; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

MARK R. FARTHING  
Assistant Attorney General

By: 

Mark R. Farthing

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(803) 734-3727

May 6, 2014

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THE STATE,

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vs.

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Appellant.

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**PROOF OF SERVICE**

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I, Ellen R. DuBois, certify that I have served the within Motion for Extension of Time Within Which to Serve and File Petition for Rehearing on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Carmen V. Ganjehsani, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

Dayne C. Phillips, Esquire  
407 ½ West Main Street  
Lexington, SC 29072

I further certify that all parties required by Rule to be served have been served.  
This 6th day of May, 2014.



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ELLEN R. DuBOIS  
Legal Assistant  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

May 6, 2014

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RE: State v. Alex Lorenzo Robinson – Appellate Case No. 2011-203769

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion for Extension of Time Within Which to Serve and File Petition for Rehearing, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar Number 76901

MRF/  
Enclosures

cc: Carmen V. Ganjehnsani, Esquire  
Dayne C. Phillips, Esquire  
Victim Services

**RECEIVED**

MAY 06 2014

**SC Court of Appeals**