

**RECEIVED**

**Mar 15 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Beaufort County  
Honorable Deadra L. Jefferson, Circuit Court Judge  
Appellate Case No. 2019-001405

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THE STATE,

Respondent,

vs.

ANTONIO RICARDO LEE,

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 March 15, 2021.

**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 last two weeks, the undersigned counsel participated in oral argument at the Supreme Court in State v. William D.

Lewis, which required significant preparation because it involved—amongst other issues—a constitutional challenge to South Carolina’s misconduct of a public officer statute, and also submitted a Brief of Petitioner to the Court of Appeals in Joshua A. Reed v. State. Furthermore, in the past few weeks and months, the undersigned counsel has participated in oral argument at the Court of Appeals in State v. Gregg Pickrell; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Shi Heme Raquan Price, State v. Elizabeth Leanne Howze, and State v. Charles Davenport, Jr.; and has submitted a lengthy Return in Opposition to Motion for Appeal Bond in State v. Kayla Marie Cook.

### **III.**

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. To date, the undersigned counsel has been unable to complete the Brief in this case due to work required in other cases along with his other responsibilities in the office. Beyond that, the Brief in the above-referenced case has required significant research because the case involves an important search and seizure issue on appeal related to disclosure of the identity of confidential informant. 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. Accordingly, in order 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.

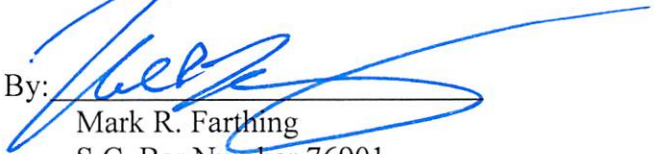
**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on

Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

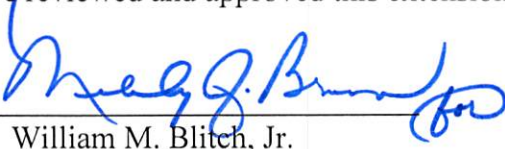
Respectfully submitted,


ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Attorney General

By:   
Mark R. Farthing  
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By:   
William M. Blich, Jr.  
Senior Assistant Deputy Attorney General

By:   
Donald J. Zelenka  
Deputy Attorney General

March 15, 2021

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Appellate Case No. 2019-001405

THE STATE,

Respondent,

vs.

ANTONIO RICARDO LEE,

Appellant.

**PROOF OF SERVICE**

I, Shana Montgomery, certify I have served the within Motion for 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 address listed in AIS for the following individual:

Victor R. Seeger, Esq.  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.  
This 15th day of March, 2021.

  
SHANA MONTGOMERY  
Legal Assistant  
South Carolina Office of the Attorney General

## Shana Montgomery

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**From:** Shana Montgomery  
**Sent:** Monday, March 15, 2021 3:23 PM  
**To:** Stock, Chris; Seeger, Victor  
**Cc:** Shana Montgomery; Mark Farthing; William Blich  
**Subject:** LEE Antonio ; Appellate Case No. 2019-001405 ; Fourth Extension Motion to File and Serve (IBOR)  
**Attachments:** 02515705.PDF

Good Afternoon,

Attached please find a copy of the fourth extension motion for State V. Antonio R. Lee (2019-001405). Please confirm receipt. This motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System. Please don't hesitate to contact us should you have any questions or concerns.

Thank You.

Shana Montgomery  
Legal Assistant  
Office Of The Attorney General