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Apr 21 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable R. Markley Dennis, Jr., Circuit Court Judge
Appellate Case No. 2020-000088

THE STATE,

Respondent,

vs.

ANTONIO ORLANDO SIMMONS,

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 April 21, 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 **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 and months, the undersigned counsel has participated in oral argument at the Supreme Court in State v. William

D. Lewis; has participated in oral argument at the Court of Appeals in State v. Gregg Pickrell; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. Randy Wright; has submitted a Brief of Petitioner to the Court of Appeals in Joshua A. Reed v. State; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Shi Heme Raquan Price, State v. Elizabeth Leanne Howze, State v. Charles Davenport, Jr., State v. Antonio Ricardo Lee, and State v. Ricky Manigo Dawson; has submitted a Petition for Rehearing to the Court of Appeals in State v. Ontavious Derenta Plumer; and has submitted a Return to Petition for Rehearing to Court of Appeals in State v. Ontavious Derenta Plumer.

III.

The undersigned counsel submits this extension request is supported by good cause 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 two important issues on appeal related to resentencing conducted subsequent to a remand. 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 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 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

April 21, 2021

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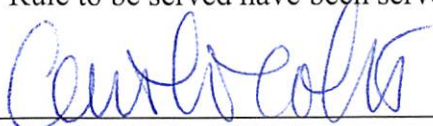
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for 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 addresses listed in AIS for the following individuals:

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 21st day of April, 2021.



CAROLINE COLLINS
Administrative Coordinator
South Carolina Office of the Attorney General

Caroline Collins

From: Caroline Collins
Sent: Wednesday, April 21, 2021 2:10 PM
To: Seeger, Victor
Cc: Stock, Chris; Mark Farthing; William Blich
Subject: The State v. Antonio Orlando Simmons (2020-000088)
Attachments: Simmons.Third Extension Request (IBOR) 2020-000088 (02546312xD2C78).PDF

Good Afternoon Mr. Seeger,

Attached please find a Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter in The State v. Antonio Orlando Simmons (2020-000088). This motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

Caroline Collins

Administrative Coordinator
South Carolina Attorney General's Office
P: (803) 734-3723