

RECEIVED

May 21 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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THE STATE,

Respondent,

vs.

ANTONIO ORLANDO SIMMONS,

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 May 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 **fourth** 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, the undersigned counsel has submitted a Final Brief of Respondent to the Court of Appeals in State

v. Antonio Ricardo Lee on April 29, 2021; an Initial Brief of Respondent to the Court of Appeals in State v. Kayla Marie Cook on May 5, 2021; has submitted a Final Brief of Respondent to the Court of Appeals in State v. Ricky Manigo Dawson on May 13, 2021; and has submitted a Brief of Respondent to the Court of Appeals in Antwan McMillan v. State on May 18, 2021. In addition to that, the undersigned counsel has prepared for and will be presenting at a two-hour legal education program for law enforcement officers later today on the subject of searches and seizures along with Senior Assistant Deputy Attorney General William M. Blich, Jr.

### III.

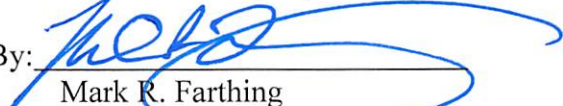
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. To date, the undersigned counsel has been unable to complete the Brief in this case due to work required in other cases along with his other responsibilities in the office. Beyond that, the Brief in the above-referenced case has required significant research because the case involves 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.

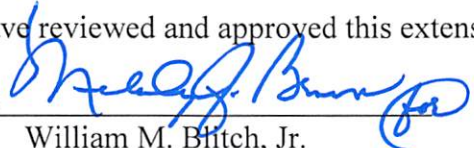
Respectfully submitted,

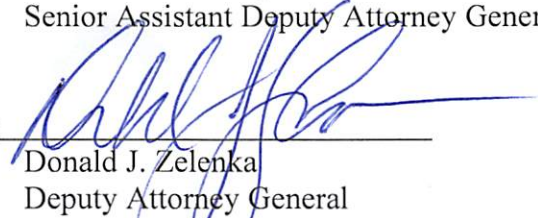
ALAN WILSON  
Attorney General

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. Blitch, Jr.  
Senior Assistant Deputy Attorney General

By:   
Donald J. Zelenka  
Deputy Attorney General

May 21, 2021

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THE STATE,

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vs.

ANTONIO ORLANDO SIMMONS,

Appellant.

**PROOF OF SERVICE**

I, Caroline Collins, 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 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 May, 2021.



CAROLINE COLLINS  
Administrative Coordinator  
South Carolina Office of the Attorney General

## Caroline Collins

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**From:** Caroline Collins  
**Sent:** Friday, May 21, 2021 9:56 AM  
**To:** 'Seeger, Victor'  
**Cc:** 'Stock, Chris'; Mark Farthing; William Blich  
**Subject:** The State v. Antonio Orlando Simmons (2020-000088)  
**Attachments:** Simmons.Fourth Extension Request (IBOR) 2020-000088 (02584397xD2C78).PDF

Good Morning Mr. Seeger,

Attached please find a Motion for Fourth 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