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May 08 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dillon County
Honorable Paul M. Burch, Circuit Court Judge
Appellate Case No. 2022-000324

THE STATE,

Respondent,

vs.

MARC YASIN MCKEIVER,

Appellant.

**MOTION FOR SIXTH 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 May 8, 2023.

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 **six** and **final** extension in the above-referenced criminal appeal and asks for an additional **two weeks** to complete the brief in this case. In the past few weeks, the undersigned counsel has filed a Brief of Respondent in the Supreme Court in State v. Mutekis

Jamar Williams; has filed a Petition for Writ of Certiorari, Appendix, and Supplemental Appendix in the Supreme Court in Charles Green, Jr. v. State; has filed a Return to Petition for Writ of Certiorari with the Supreme Court in Kadrin Singleton v. State; has filed a Brief of Respondent with the Court of Appeals in Marcus Wright v. State; and has filed a Final Brief of Respondent with the Court of Appeals in State v. Ronzell Bilah Olds, State v. Solomon Tadesse Yemame, and State v. Randall Wade Medlin. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has participated in multiple days of mandatory in-office and out-of-office training involving the South Carolina Department of Administration.¹

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 has required significant research because the case involves four important appellate issues, including a novel one related to Article I, Section 10 of the South Carolina Constitution. 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 due to a heavy workload and other challenges stemming from significant staffing issues within the South Carolina Attorney General’s Office’s post-adjudication section that have required the undersigned counsel’s attention. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request one final limited extension of time within which to serve and file the Brief.


¹ On April 17, 2023, the undersigned counsel was moved into the role of Assistant Deputy Attorney General with supervisory responsibility of the office’s Criminal Appeals section.

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 two weeks to Monday, May 22, 2023; 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.

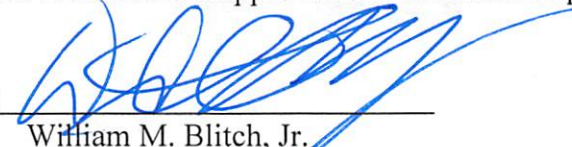
Respectfully submitted,

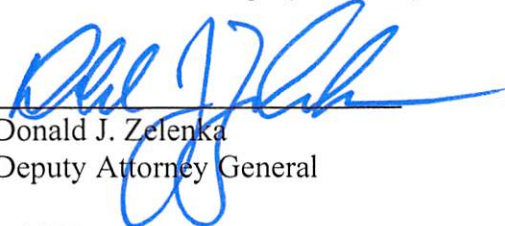
ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Deputy 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

May 8, 2023

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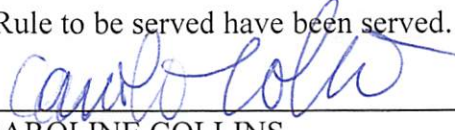
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for Sixth 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
dayne@pricebenowitz.com

I further certify all parties required by Rule to be served have been served.
This 8th day of May, 2023.



CAROLINE COLLINS
Administrative Coordinator

Caroline Collins

From: Caroline Collins
Sent: Monday, May 8, 2023 5:25 PM
To: dayne@pricebenowitz.com
Cc: Mark Farthing; William Blitch
Subject: The State v. Marc Yasin Mckeiver (2022-000324)
Attachments: Mckeiver.Sixth Extension Request (IBOR) (03286137xD2C78).PDF

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Good Afternoon Mr. Phillips,

Attached please find a motion for a sixth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Marc Yasin Mckeiver (2022-000324). 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
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Criminal Appeals | Office 803-734-3723 | ccollins@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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