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May 24 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Newberry County  
Honorable Donald B. Hocker, Circuit Court Judge  
Appellate Case No. 2022-000230

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THE STATE,

Respondent,

vs.

KENDRICK TREMAIN BLACKWELL,

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 24, 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 **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 participated in oral argument before the Supreme Court in State v.

Robert Lee Miller, III; has filed an Initial Brief of Respondent in the Court of Appeals in State v. Marc Yasin Mckeiver; 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 his participated in multiple days of mandatory in-office and out-of-office training involving the South Carolina Department of Administration.

### 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 two important issues related to the jury and the trial judge's jury instructions. 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 coupled with other challenges stemming from 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 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  
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: /s/ Donald J. Zelenka  
Donald J. Zelenka  
Deputy Attorney General

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THE STATE,

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**PROOF OF SERVICE**

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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:

Robert M. Dudek, Esquire  
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 24th day of May, 2023.



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CAROLINE COLLINS  
Administrative Coordinator  
Office of the Attorney General