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Jul 24 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

Respondent,

vs.

KENDRICK TREMAIN BLACKWELL,

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 July 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 **sixth** 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 past few weeks, the undersigned counsel has filed a Brief of Respondent in the Supreme Court in State v. Derrick

Tyler Mills; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Maxie Paul Wagner; has filed a Petition for Rehearing in the Court of Appeals in In re Lauren Martel, Esq.; has filed a Return to Petition for Rehearing in the Court of Appeals in State v. Kayla Marie Cook; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Aaron McKenzie Capers. In addition to that, the undersigned counsel has—at the Supreme Court’s request—researched, prepared, and submitted a Brief of Amicus Curiae on behalf of the State of South Carolina in United States of America v. Patrick Fitzgerald Clemons, which involves two significant certified questions submitted to our Supreme Court by the United States Court of Appeals for the Fourth Circuit. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has also participated in mandatory in-office training related to leadership skills, has participated in mandatory in-office training related to administrative matters, and has prepared for and presented at a continuing legal education seminar for prosecutors from all over the state.

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 composition of 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 increasing staffing challenges within the South Carolina Attorney General’s Office’s post-adjudication section—including both the departure and impending departure of senior members—that have required the undersigned

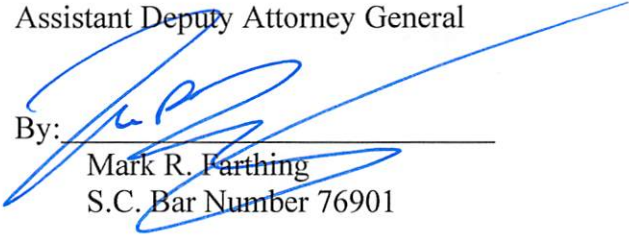
counsel's attention and time. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request one final additional extension of time within which to serve and file the Brief.

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,

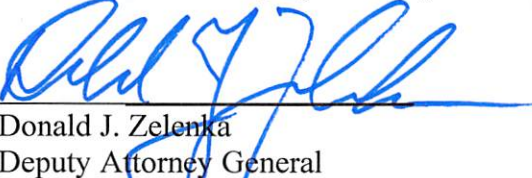
ALAN WILSON
Attorney General

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: 
Donald J. Zelenka
Deputy Attorney General

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Appellant.

PROOF OF SERVICE

I, Grace Sommer, 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 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 July, 2023.



GRACE SOMMER
Legal Assistant
Office of the Attorney General

Grace Sommer

From: Grace Sommer
Sent: Monday, July 24, 2023 4:42 PM
To: rdudek@sccid.sc.gov
Cc: kwarren@sccid.sc.gov; Mark Farthing
Subject: The State v. Kendrick Tremain Blackwell (2022-000230)
Attachments: Blackwell.Sixth Extension Request (IBOR) (03341300xD2C78).PDF

Good Afternoon Mr. Dudek,

Attached please find a request for the sixth and final extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Kendrick Tremain Blackwell (2022-000230). This request is being submitted to the South Carolina Court of Appeals via AIS.

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

Thank you!

Grace Sommer, Legal Assistant
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P.O. Box 11549 | Columbia, SC 29211
scag.gov



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