

**RECEIVED**  
**Sep 06 2023**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Greenville County  
Honorable G. D. Morgan, Jr., Circuit Court Judge  
Appellate Case No. 2022-001311

---

THE STATE,

Respondent,

vs.

JEFFERY KEYON TIMOTHY GRIFFIN,

Appellant.

---

**MOTION TO SERVE AND FILE  
INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER OUT OF TIME**

---

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 in the above-referenced criminal appeal were due to be served and filed yesterday on Tuesday, September 5, 2023, and the undersigned counsel for the State fully intended to serve and file those documents on the day of the filing deadline. However, due to some unexpected issues that arose yesterday, the undersigned counsel was unfortunately not able to complete the brief in time to file and serve those documents on the date they were due to be served and filed. Significantly though, the Initial Brief of Respondent has now been completed, and the State is contemporaneously serving

and filing that brief along with the Designation of Matter at the same time the State is filing this motion on today's date, Wednesday, September 6, 2023.

**II.**

The State respectfully asks this Court to relax the requirements of Rule 208(a) and Rule 209(a) of the South Carolina Appellate Court Rules and permit the State to file the Initial Brief of Respondent and Designation of Matter in this criminal appeal out of time on the date directly following the date of the filing deadline. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). The undersigned counsel sincerely apologizes for any inconvenience this request has caused to the Court, the appellant, and opposing counsel, and the undersigned counsel submits he does not believe this request will result in any prejudice to the appellant should it be granted.

**WHEREFORE**, Respondent prays the Court relax the requirements of Rule 208(a) and Rule 209(a) of the South Carolina Appellate Court Rules; permit Respondent to file and serve the Initial Brief of Respondent and Designation of Matter one day out of time; 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 Deputy Attorney General



By: \_\_\_\_\_

Mark R. Farthing  
S.C. Bar Number 76901

September 6, 2023

**RECEIVED**

**Sep 06 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Greenville County  
Honorable G. D. Morgan, Jr., Circuit Court Judge  
Appellate Case No. 2022-001311

---

THE STATE,

Respondent,

vs.

JEFFERY KEYON TIMOTHY GRIFFIN,

Appellant.

---

**PROOF OF SERVICE**

---

I, Mark R. Farthing, certify I have served the within Motion to Serve and File Initial Brief of Respondent and Designation of Matter Out of Time on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Breen Richard Stevens, 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 6th day of September, 2023.



---

MARK R. FARTHING  
Senior Assistant Deputy Attorney General  
Office of the Attorney General

**From:** [Mark Farthing](#)  
**To:** [bstevens@sccid.sc.gov](mailto:bstevens@sccid.sc.gov)  
**Subject:** State v. Jeffery Keyon Timothy Griffin (Appellate Case # 2022-001311) -- Initial Brief of Respondent, Designation of Matter, and Motion to File Out of Time  
**Date:** Wednesday, September 6, 2023 3:55:00 PM  
**Attachments:** [Griffin.IBOR \(03381068xD2C78\).PDF](#)  
[image001.png](#)  
[Griffin.Motion to File Out of Time \(IBOR\) \(03381017xD2C78\).PDF](#)

---

Breen,

Attached are electronic copies of the State's initial brief and designation of matter in the [State v. Griffin](#) appeal along with an electronic copy of a motion seeking to file these documents one day out of time. I'll be submitting the brief, designation, and motion to the Court of Appeals shortly via the electronic filing system. I sincerely apologize for the delay in getting everything to you, and please just let me know if you have any questions or concerns or need anything at all from me. Thanks.

Sincerely,  
Mark

**MARK R. FARTHING**, Senior Assistant Deputy Attorney General  
South Carolina Attorney General's Office  
Criminal Appeals | Office 803-734-4117 | [mfarthing@scag.gov](mailto:mfarthing@scag.gov)  
P.O. Box 11549 | Columbia, SC 29211  
[scag.gov](http://scag.gov)



*This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.*