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Sep 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from York County  
Honorable William A. McKinnon, Circuit Court Judge  
Appellate Case No. 2021-001316

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THE STATE,

Respondent,

vs.

TERRY SHAIMEK TYLER,

Appellant.

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**MOTION FOR SIXTH 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 September 13, 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 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 Return to Petition for Writ of Certiorari in the Supreme Court in

State v. Keunte Cobbs and State v. Gary Martin Wirtz; filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Joseph Martin Swaringen, State v. Kendrick Tremain Blackwell, and State v. Jeffery Keyon Timothy Griffin; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Maxie Paul Wagner. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has also participated in mandatory training related to leadership skills, has prepared for and presented at an internal annual presentation on the status of the unit, and has assisted in the office’s completion of the annual accountability report.

### 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 raising a constitutional challenge to the sentence imposed. 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, other significant challenges that have resulted from substantial staffing issues that continue to be experienced by the undersigned counsel’s office, and some unanticipated matters that have required the undersigned counsel’s attention. Most significantly, the undersigned counsel—in addition to the responsibilities detailed above—was required to spend significant time working closely with William M. Blich, Jr. and others in the office in preparation for the transition that has occurred as a result of William’s recent departure from the office following his acceptance of the position of Disciplinary Counsel for the State of South Carolina. 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 Deputy Attorney General



By: \_\_\_\_\_  
Mark R. Farthing  
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By:   
Donald J. Zelenka  
Deputy Attorney General

September 13, 2023

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THE STATE,

Respondent,

vs.

TERRY SHAIMEK TYLER,

Appellant.

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**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Motion for the 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:

Jessica M. Saxon, 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 13th day of September, 2023.

  
\_\_\_\_\_  
CAROLINE COLLINS  
Administrative Coordinator  
Office of the Attorney General

## Caroline Collins

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**From:** Caroline Collins  
**Sent:** Wednesday, September 13, 2023 1:53 PM  
**To:** Saxon, Jessica  
**Cc:** Mark Farthing; Stock, Chris  
**Subject:** The State v. Terry Shaimek Tyler (2021-001316)  
**Attachments:** Tyler.Sixth Extension Request (IBOR) (03387443xD2C78).PDF

Good Afternoon Ms. Saxon,

Attached please find a sixth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Terry Shaimek Tyler (2021-001316). This request will be filed today with the South Carolina Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you,

**CAROLINE COLLINS**, Administrative Coordinator  
South Carolina Attorney General's Office  
Criminal Appeals | Office 803-734-3723 | [ccollins@scag.gov](mailto:ccollins@scag.gov)  
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