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**Sep 14 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County  
Honorable R. Ferrell Cothran, Jr., Circuit Court Judge  
Appellate Case No. 2019-000292

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THE STATE,

Respondent,

vs.

SHAWN DOUGLAS CUSTER,

Appellant.

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**MOTION REQUESTING POSTPONEMENT AND RESCHEDULING  
OF ORAL ARGUMENT TO LATER DATE**

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Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The above-referenced criminal appeal is currently pending before this Court and is presently scheduled for oral argument on October 11, 2023, at 10:40 a.m. in Courtroom II.

**II.**

In this appeal, this Court sent out letters about potential dates for the scheduling of the oral argument on February 8, 2023, and June 8, 2023. Through the June letter, this Court identified several dates in September and October, including October 10, 11, and 12, 2023, as potential argument dates. As previously noted, the oral argument in this appeal was ultimately scheduled on one of those identified dates—October 11.

### **III.**

Unfortunately, after receiving the June letter, the State inadvertently overlooked the dates identified and mistakenly failed to submit a response to this Court notifying it of an existing conflict with several of the October dates. More specifically, the 2023 South Carolina Solicitors' Annual Conference is being held in Myrtle Beach, South Carolina, from Sunday, October 8, 2023, to Wednesday, October 11, 2023. At present, all members of the South Carolina Attorney General's Office's Criminal Appeals unit are currently scheduled to attend the conference, and several—including the undersigned counsel—are participating in one or more of the conference's presentations.

### **IV.**

Due to the timing of this year's conference, the State has now realized it does, in fact, have a conflict for the date on which this oral argument has presently been scheduled. As a result, the State respectfully requests the oral argument in this appeal be temporarily delayed and rescheduled to a later date. In making this request, the undersigned counsel sincerely apologizes for the late notice of the request and for the unfortunate oversight in failing to call this Court's attention to the potential conflict prior to the argument being scheduled.

### **V.**

Before making this request, the undersigned counsel has contacted counsel for Appellant, and he has graciously indicated he has no objections to the State's request for the oral argument to be temporarily delayed and rescheduled.

### **VI.**

Based on all the foregoing reasons, the State asks this Court to temporarily delay and reschedule the oral argument in the above-referenced criminal appeal to a later term of court.

However, if the State's request cannot be accommodated, the State will do its best to have counsel ready and available for oral argument at 10:40 a.m. on October 11, 2023, as presently scheduled.

**WHEREFORE**, Respondent prays the Court to temporarily postpone the oral argument in the above-referenced criminal appeal; reschedule the oral argument for a later term of court; 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

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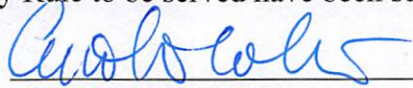
**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Motion Postponement and Rescheduling of Oral Argument to Later Date on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

E. Charles Grose, Jr., Esq.  
[charles@groselawfirm.com](mailto:charles@groselawfirm.com)

I further certify all parties required by Rule to be served have been served.  
This 14th day of September, 2023.

  
\_\_\_\_\_  
CAROLINE COLLINS  
Administrative Coordinator

## Caroline Collins

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**From:** Caroline Collins  
**Sent:** Thursday, September 14, 2023 12:18 PM  
**To:** Charles Grose  
**Cc:** Mark Farthing  
**Subject:** The State v. Shawn Douglas Custer (2019-000292)  
**Attachments:** Custer.Motion Requesting Argument Rescheduling (03388355xD2C78).PDF

Good Afternoon Mr. Grose,

Attached please find a motion requesting the postponement and rescheduling of the oral argument in The State v. Shawn Douglas Custer (2019-000292). This motion will be submitted to the South Carolina Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt.

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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