

RECEIVED

Oct 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

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

---

THE STATE,

Respondent,

vs.

TERRY SHAIMEK TYLER,

Appellant.

---

**MOTION FOR SEVENTH 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 October 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 **seventh** and **final** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Between yesterday and today, the undersigned counsel filed a Petition for Writ of Certiorari and Appendix in the

Supreme Court in Justin Tyler Young v. State; filed a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Terrell Denard Knightner; and filed a Final Brief of Respondent in the Court of Appeals in State v. Brittany Valencia Martin and State v. Joseph Martin Swaringen. Additionally, in the past few weeks, the undersigned counsel has participated in oral argument at the Supreme Court in State v. Randy Collins; has participated in oral argument at the Court of Appeals in State v. Ricky Manigo Dawson; has filed a Petition for Writ of Certiorari and Appendix in the Supreme Court in In the Matter of Lauren Martel, Esquire; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. George Holmes and State v. Osman Uvaldo Jimenez Benitez; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Kendrick Tremain Blackwell and State v. Ronald Lyons. 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 assisted in the office’s completion of the annual accountability report; and has prepared for and presented three distinct presentations on three separate days at the 2023 South Carolina Solicitors’ Annual Conference.

### 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

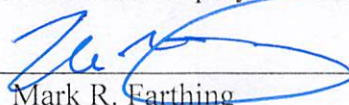
experienced by the undersigned counsel's office, and some unanticipated matters that have required the undersigned counsel's attention. Most significantly, the undersigned counsel—in addition to the responsibilities detailed above—was required to spend significant time working closely with William M. Blich, Jr. and others in the office in preparation for the transition that has occurred as a result of William's 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 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.

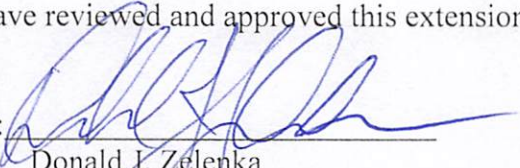
Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
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

October 13, 2023

**RECEIVED**

**Oct 13 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

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

---

THE STATE,

Respondent,

vs.

TERRY SHAIMEK TYLER,

Appellant.

---

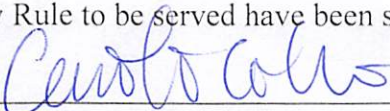
**PROOF OF SERVICE**

---

I, Caroline Collins, certify I have served the within Motion for the Seventh 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 October, 2023.



---

CAROLINE COLLINS  
Administrative Coordinator  
Office of the Attorney General

## Caroline Collins

---

**From:** Caroline Collins  
**Sent:** Friday, October 13, 2023 4:41 PM  
**To:** Saxon, Jessica  
**Cc:** Mark Farthing; Stock, Chris  
**Subject:** The State v. Terry Shaimek Tyler (2021-001316)  
**Attachments:** Tyler.Seventh Extension Request (IBOR) (03411155xD2C78).PDF

Good Afternoon Ms. Saxon,

Attached please find a seventh and final 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)  
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.*