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Feb 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County

George M. McFaddin, Jr, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DYWAIN CA MEL MCKENZIE,

APPELLANT.

APPELLATE CASE NO. 2024-000741

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MOTION FOR AN EXTENSION OF TIME TO  
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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Counsel for Dywain Ca Mel McKenzie respectfully requests a **fourth and final thirty (30) day extension from February 3, 2025 until March 5, 2025**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today.
2. Counsel for Dywain Ca Mel McKenzie respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Petition for Writ of Certiorari in the case of Naijuwan S. Chisolm v. The State with the Supreme Court on January 27, 2025. Counsel filed the Brief of Appellant and the Record on Appeal in the case of The State v. Michael David Morgan with this Court on January 15, 2025. Counsel filed the Brief of Appellant and the Record on Appeal in the case of The State v. Jaylen Shyir Wilson with this Court on January 13, 2025. Counsel filed the Initial Brief of Respondent and Designation of Matter in the case of Joshua Felipe Simmons v. The State with this Court on January 10, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Brandan Richardson with this Court on January 3, 2025. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in the case of Brian Foster v. The State with the Supreme Court on January 2, 2025. Counsel filed the Petition for Rehearing in the case of The State v. Bradley Mark Corlew with this Court on December 19, 2024. Counsel appeared before Judge Daniel McLeod Coble in the Richland County Court of General Sessions for a remote Reconstruction Hearing in the case of Alonzo Tarell Jones v. The State on December 17, 2024. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Jontez M. Ward v. The State with the Supreme Court on December 11, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Michael J. Smith with this Court on December 9, 2024. Counsel filed the Petition for Writ of Certiorari, the Brief of Petitioner Pursuant to *White v. State*, and the Appendix in the case of Matthew L. Jackson v. The State with the Supreme Court on December 3, 2024.

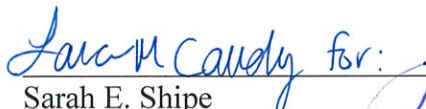
4. Counsel makes this request in good faith and not for purpose of delay. Counsel

intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

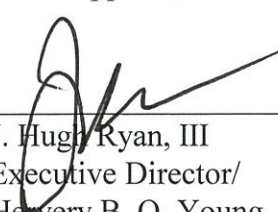
5. On January 31, 2025, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through February 28, 2025.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from February 3, 2025 until March 5, 2025**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,

  
\_\_\_\_\_  
Sarah E. Shipe  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

  
\_\_\_\_\_  
J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training Director

This 3rd day of February, 2025.

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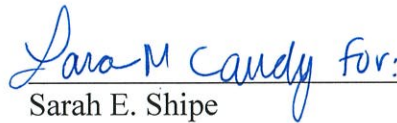
APPELLATE CASE NO. 2024-000741

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 3rd day of February, 2025.

  
\_\_\_\_\_  
Sarah E. Shipe  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [Mark Farthing](#)  
**Cc:** [Shipe, Sarah](#); [Caroline Collins](#)  
**Subject:** 2024-000741 The State v. Dywain Ca Mel McKenzie  
**Date:** Monday, February 3, 2025 11:29:00 AM  
**Attachments:** [2024-000741 The State v. Dywain Ca Mel McKenzie Fourth Motion for Extension.pdf](#)

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Good Morning,

Attached for service in the above-referenced case is the Fourth Motion for Extension which will be filed today, February 3, 2025, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

**Kaylynn Warren**

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330