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Sep 02 2025

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

ON WRIT OF CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas
The Honorable Daniel Coble, Circuit Court Judge

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Sep 02 2025

SC Court of Appeals

Appellate Case No. 2023-001507

KEYLAN J. DURHAM, #347264,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR SECOND EXTENSION TO FILE BRIEF OF RESPONDENT
AND MOTION TO FILE OUT OF TIME**

Counsel for Respondent respectfully moves this Court to relax Rule 243(g), SCACR, to file Respondent's Brief of Respondent out of time and for a second extension of thirty (30) days in which to serve and file the Brief of Respondent. This is Respondent's second request for an extension in which to file the brief, which was due to be filed and served on August 20, 2025. Due to a calendaring error, the undersigned counsel missed the deadline. In support of this request, counsel shows:¹:

¹ In compliance with: In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

1. The Return to Petition for a Writ of Certiorari was due to be served and filed with the Court on, August 20, 2025.
2. Counsel for Respondent respectfully submits that extraordinary circumstances exist that warrant the granting of an additional time extension. Given the number of extensions previously granted and the order in which counsel attempts to manage his heavy caseload, Counsel hopes that no further extension requests will be required.
3. Counsel had a term of court the week of August 18th, in the Fifth Judicial Circuit, in which Counsel is preparing orders.
4. Counsel had a term of court the week of August 27th, in the Seventh Judicial Circuit, in which Counsel is preparing orders.
5. Counsel currently has a term of court in the Fourth Judicial Circuit, in which Counsel is preparing for those cases.
6. Counsel is preparing for a term of court on September 15–19, 2025, in the Eleventh Judicial Circuit.
7. In the last month, Counsel has had multiple PCR filings due with the lower courts in the Fourth, Fifth, Seventh, and Eleventh Judicial Circuits.
8. This extension request is made in good faith and not intended for delay, but rather due to counsel's heavy workload and to ensure the brief is properly researched and prepared.
9. Opposing counsel has graciously consented to this request via interagency agreement.

WHEREFORE, undersigned counsel for Respondent respectfully requests a second **thirty-day extension** until **September 19, 2025**, in which to complete and file the Brief of Respondent in this case based upon the above exigent circumstances.

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From: [Russ Barlow](#)
To: [Delany, Joanna](#)
Cc: [Mcinnis, Sara](#)
Subject: 2023-001507
Date: Tuesday, September 2, 2025 1:31:00 PM
Attachments: [image001.png](#)
[DURHAM Kevlan J. - 2nd Ext Req and Motion to File Out of Time.pdf](#)

Ms. Delany –

Attached is Respondent’s second motion for an extension and motion to file out of time in the above-referenced PCR appeal to be filed with the Court shortly. Unfortunately, the last extension was not calendared and we missed the deadline. I apologize!

Respectfully,



Russ Barlow
Senior Assistant Deputy Attorney General
Post-Conviction Relief

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