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**SC Court of Appeals**

ALAN WILSON  
ATTORNEY GENERAL

March 4, 2026

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: State v. Keyshon Anthony Poinsette, Jr. – Appellate Case No. 2025-002592

Dear Ms. Kitchings:

The above-referenced criminal appeal is currently pending before this Court. During the course of the appeal, the pro se appellant, Keyshon Anthony Poinsette, Jr., has submitted a number of filings to this Court, including: (1) an undated request for this Court to accept filing of the notice of appeal out of time that was received by the Court on December 29, 2025; (2) a motion dated August 8, 2025, and entitled “Motion to Suppress Evidence & Nolle Prosequi Based on Lack of Reasonable Suspicion, Unlawful Stop, Newly Discovered Evidence and Other Due Process Violations” that was also received by the Court on December 29, 2025; and (3) a document entitled “Emergency Motion to Continue Sentencing and/or Remand for New Trial” that was filed with the Dorchester County Clerk of Court on August 13, 2025, and received by this Court on December 29, 2025.

On February 27, 2026, this Court sent a letter to the State asking for a return to Mr. Poinsette’s filings within ten days. Please accept this letter in lieu of a formal return.

To the extent Mr. Poinsette is asking this Court to accept *filing* of his notice of appeal out of time, the State takes no position on the matter and wishes to leave it to the sound discretion of this Court. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof. The time prescribed by these Rules for performing any act or taking any action may not be extended by agreement of the parties.”).

However, the State would note that Mr. Poinsette’s original notice of appeal submitted to this Court was dated August 12, 2025, and has a stamp from the Dorchester County Clerk of Court reflecting the same date, which, notably, was a date one day *prior to* the date Mr. Poinsette was finally sentenced. See Parsons v. State, 289 S.C. 542, 542, 347 S.E.2d 504, 504 (1986)

(explaining a criminal defendant may not appeal until after the final sentence has been imposed). Meanwhile, Mr. Poinsette's corrected notice of appeal is dated January 10, 2026, and is accompanied by a proof of service indicating it was formally served upon the State on January 12, 2026, which was well past the ten-day time period for timely service of the notice of appeal. Rule 203(b)(2), SCACR. Significantly, the inconsistencies present in those filings raise serious questions about whether Mr. Poinsette did, in fact, timely and properly serve his notice of appeal upon the State as necessary for proper appellate jurisdiction to exist in this matter. See Elam v. South Carolina Dep't of Transp., 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice.").

Finally, to the extent Mr. Poinsette has submitted motions to this Court related to the suppression of evidence or his desire for things such as the granting of a continuance prior to sentencing, the dismissal of his case by the solicitor, or the granting of a new trial, those submitted motions appear to simply be copies of motions Mr. Poinsette has previously filed with the Dorchester County Clerk of Court during the circuit court proceedings in his case, and, based on information the undersigned counsel has received from the solicitor who prosecuted Mr. Poinsette's case, it appears those motions have already been addressed and resolved by the trial judge. Accordingly, there is no need for this Court to rule upon those motions at this time, and the propriety of the trial judge's rulings on them can be reviewed on appeal in the event Mr. Poinsette's appeal can properly proceed forward and Mr. Poinsette elects to raise issues related to the trial judge's ruling on the motions through a properly-filed appellate brief. See State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001) ("In criminal cases, the appellate court sits to review errors of law only.").

Thank you very much, and, if you should have any questions or concerns or if a more formal return is desired, please do not hesitate to contact me.

Sincerely,



Mark R. Farthing  
Senior Assistant Deputy Attorney General  
S.C. Bar Number 76901

MRF/

cc: Keyshon Anthony Poinsette, Jr., S.C.D.C. Inmate # 378667  
Victim Advocacy Division