

RECEIVED

Apr 27 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Charleston County  
Honorable Jennifer B. McCoy, Circuit Court Judge  
Appellate Case No. 2023-000236

---

THE STATE,

Respondent,

vs.

MARCUS ALEXANDER WIGFALL,

Appellant.

---

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE PETITION FOR REHEARING**

---

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

**I.**

The State’s Petition for Rehearing is currently due to be served and filed on April 27, 2026. The State previously requested two extensions of time in this matter for an aggregate total of thirty additional days to complete its petition.

**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 **third** extension in the above-referenced criminal appeal and asks for an additional *five days* to complete the Petition for Rehearing in this case. In the past few weeks, the undersigned counsel has submitted a Return to Petition for Writ of Certiorari to the Supreme

Court in Erick Edward Wells v. State; has submitted an Initial Brief of Appellant and Designation of Matter to the Court of Appeals in State v. Leon Lee Harris, Jr.; has submitted an Initial Brief of Respondent and Designation of Matter to the Court of Appeals in State v. James Austin Edward Townsend; has submitted a Petition for Rehearing to the Court of Appeals in Anthony Briggs v. State; has submitted a Motion to File Supplemental Record on Appeal and Amended Designation of Matter, Supplemental Record on Appeal, and Amended Designation of Matter to the Court of Appeals in State v. Mazar Nathaniel Sturdivant; and has participated in oral argument before the Supreme Court at Presbyterian College in Maurice Roberts v. State. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office and has prepared for and presented at a continuing legal education program at the request of the South Carolina Commission on Prosecution Coordination.

### III.

The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The undersigned counsel had limited prior involvement in this matter prior to this Court’s issuance of its decision as this appeal was previously handled by an attorney who is no longer employed with the South Carolina Office of the Attorney General. The undersigned counsel is currently working on the Petition and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Petition due to a heavy workload and other issues that have required the undersigned counsel’s attention. Accordingly, to ensure the petition is properly researched and prepared, I would therefore request an additional *five-day* extension of time within which to serve and file the petition. The

undersigned counsel does not anticipate any further extensions of time will be needed to complete the State's petition for rehearing in this matter.

**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Petition for Rehearing in this case for five days from the date such relief is granted; hold the matter in abeyance pending a ruling on this 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

April 27, 2026

**RECEIVED**

**Apr 27 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Charleston County  
Honorable Jennifer B. McCoy, Circuit Court Judge  
Appellate Case No. 2023-000236

---

THE STATE,

Respondent,

vs.

MARCUS ALEXANDER WIGFALL,

Appellant.

---

**PROOF OF SERVICE**

---

I, Caroline Collins, certify I have served the within Motion for the Third Extension of Time Within Which to Serve and File Petition for Rehearing on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Joanna K. Delany, Esquire  
S.C. Commission on Indigent Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.  
This 27th day of April, 2026.



---

CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General