

**RECEIVED**

**May 12 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County  
Honorable Jennifer B. McCoy, Circuit Court Judge  
Appellate Case No. 2025-001219

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THE STATE,

Respondent,

vs.

KENNETH MILLER, JR.,

Appellant.

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**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

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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 May 12, 2026.

**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 thirty days to complete the brief in this case. On today’s date, the undersigned counsel submitted an Initial Brief of Respondent and Designation of Matter to the Court of

Appeals in State v. Jesse Sebastian Broughton and submitted a Final Brief of Respondent to the Court of Appeals in State v. James Austin Edward Townsend. Additionally, in the past few weeks, the undersigned counsel has participated in oral argument before the Court of Appeals in State v. Mazar Nathaniel Sturdivant; 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 State v. Marcus Alexander Wigfall and Anthony Briggs v. State; and 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. 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 Brief in the above-referenced case involves a constitutional challenge to search for gunshot residue. 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 and other issues that have required the undersigned counsel's attention. Accordingly, to ensure the

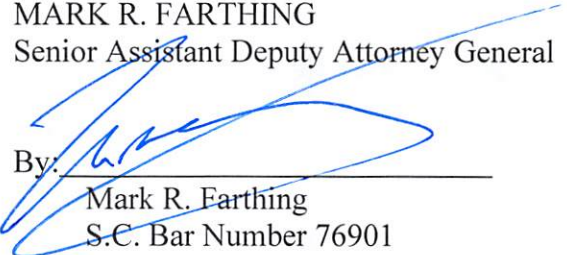
Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

**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.

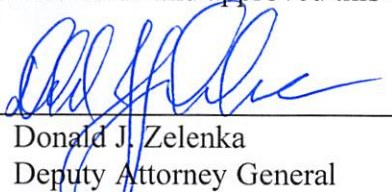
Respectfully submitted,

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

May 12, 2026

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**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Motion for the Third 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:

Lara M. Caudy, Esquire  
S.C. Commission on Indigent Defense  
PO Box 11589  
Columbia, SC 29211-1589

I further certify all parties required by Rule to be served have been served.  
This 12th day of May, 2026.



CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General