

Jun 11 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 FOURTH 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 June 11, 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 **fourth** 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 has submitted a Final Brief of Respondent to the Court of Appeals in State v. Jesse

Sebastian Broughton. Additionally, in the past few weeks, the undersigned counsel has submitted a Brief of Respondent to the Supreme Court in Marcus Wright v. State; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Ronald Lee Lyons, State v. Marc Yasin Mckeiver, and State v. Kenneth Moorehead; has participated in oral argument before the Court of Appeals in State v. Dlanor Phillip Tilton; and has submitted an Initial Brief of Respondent and Designation of Matter to the Court of Appeals in State v. Shaneeka Monet Stroman. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office, has participated in a status conference related to reconstruction of the record in State v. David Herbert Massie, has attended and participated in a two-day seminar organized by the South Carolina Commission on Prosecution Coordination, and has prepared for and presented at continuing legal education seminars on behalf of the South Carolina Bar’s Trial and Appellate Advocacy Section and the South Carolina Commission on Prosecution Coordination.

### **III.**

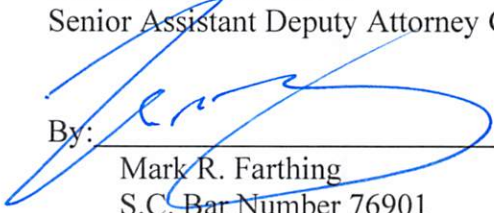
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case involves a constitutional challenge to a warrantless search for gunshot residue that is being raised on state constitutional grounds. 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,

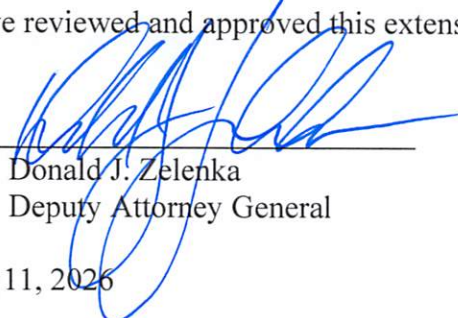
ALAN WILSON  
Attorney General

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

June 11, 2026

**RECEIVED**

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THE STATE,

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Appellant.

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**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Motion for the Fourth 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 11th day of June, 2026.



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CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General