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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Jocelyn J. Newman, Circuit Court Judge
Appellate Case No. 2025-000213

THE STATE,

Respondent,

vs.

DEANDRE MALCOLM BLACK,

Appellant.

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

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 October 5, 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. Earlier today, the undersigned counsel submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v.

Chad Eugene Gibbs. Additionally, in the past few weeks, the undersigned counsel has participated in oral argument before the Supreme Court at Clemson University in Marcus Dwain Wright v. State, has submitted an Initial Brief of Respondent and Designation of Matter to the Court of Appeals in State v. Rodolfo S. Moreno, has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Marcus A. Wigfall, has submitted an Appealability Memorandum to the Court of Appeals in State v. Marquevious L., and has submitted a Final Brief of Respondent to the Court of Appeals in State v. Darryl Jerome Washingon. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office and has prepared for and participated in three separate presentations at the 2026 South Carolina Solicitors' Annual Conference.

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 claim the trial judge erred by refusing to grant a motion to enforce a plea offer. 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, challenges that have resulted from substantial staffing issues currently being experienced by the undersigned counsel's office and section, and some other matters 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

October 5, 2026

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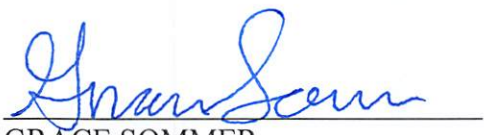
PROOF OF SERVICE

I, Grace Sommer, 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:

Molly M. Keegan, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29201

I further certify all parties required by Rule to be served have been served.
This 5th day of October, 2026.



GRACE SOMMER
Administrative Support Manager
Office of the Attorney General