

RECEIVED

Sep 29 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of General Sessions

Jocelyn Newman, Circuit Court Judge

Case No. 2016-GS-28-01123
Appellate Case No. 2024-001890

The State,

Respondent,

v.

Walter Wade Goad,

Appellant.

**MOTION TO ALLOW APPELLANT TO FILE INITIAL REPLY BRIEF
AND RECORD ON APPEAL OUT OF TIME .**

Walter Wade Goad moves to allow Appellant to file an Initial Reply Brief and Record on Appeal out of time based on the following circumstances:

1. Appellant filed a Notice of Intent to Appeal on November 12th, 2024.
2. Appellant filed his Initial Brief on May 21st, 2025.
3. On July 29, 2025, the Respondent ordered a transcript and on August 22, 2025, the Respondent requested an extension in which to file its Initial Brief and that extension was granted until September 19, 2025. Appellant's counsel recorded that date on his calendar.
4. On August 28, the Respondent served Appellant's counsel with its Initial Brief, however Appellant's counsel was unaware that the Brief was filed well before the date of the

extension. On August 28, 2025, counsel was in the middle of a murder trial in York County which did not end until September 2, 2025. Apparently, Respondent made another request for what would appear to be a transcript on September 17, 2025.

5. Appellant's counsel began another murder trial in Kershaw County on September 15, 2025 which ended on September 17, 2025, and counsel turned immediately around to prepare for a criminal sexual conduct trial on September 22, 2025 in Florence County. That trial was continued on September 19, 2025.

6. Counsel did not realize that Respondent's Initial Brief was filed on August 28, 2025 until Friday September 26, 2025 when he began questioning why Respondent had not timely filed its Initial Brief.

7. The time to file Appellant's Reply Brief has expired due to counsel's unintentional failure to realize Respondent's Brief had been filed on August 28, 2025, because of Appellant's counsel's trial schedule.

8. Had counsel realized that Respondent's Brief was filed on August 28, 2025, counsel would have sought an extension of at least thirty (30) days, or more, to file an Initial Reply Brief due to his heavy trial schedule.

9. Counsel submits that the State would not suffer any prejudice if the Court were to allow Appellant to file an Initial Reply Brief out of time under these circumstances.

10. Counsel requests that the Court allow him to file an Initial Reply Brief out of time, by thirty (30) days from today, due to the circumstances described above. The Appellant is in custody, and counsel believes that the Appellant should have some input into the Reply Brief once counsel can send him a copy of Respondent's Brief.

11. Counsel also requests that the time to file the Record on Appeal be held in abeyance

until thirty (30) days after the Reply Brief is filed.

WHEREFORE, Counsel prays that the Court grant this Motion to File an Initial Reply Brief out of time, and establish the deadline as thirty (30) days from today, October 29th, 2025. Counsel further moves that the deadline for the Record on Appeal be established as thirty (30) days following the filing of the Initial Reply Brief.



Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: (803) 765-2626
Email: jackswerling@gmail.com
Attorney for Appellant

September 29, 2025
Columbia, SC

RECEIVED

Sep 29 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of General Sessions

Jocelyn Newman, Circuit Court Judge

Case No. 2016-GS-28-01123
Appellate Case No. 2024-001890

The State,

Respondent,

v.

Walter Wade Goad,

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Allow Appellant to file Initial Reply Brief and Record on Appeal out of time by email to Assistant Attorney General J. Benjamin Aplin, at his email address Baplin@scag.gov, on September 29, 2025, as shown by the email by which this motion is being filed.



Grace C. Moscoso
Paralegal to Jack B. Swerling

Columbia, South Carolina
September 29, 2025