

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal from Pickens County

Jessica A. Salvini, Circuit Court Judge

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RECEIVED

Jan 23 2026

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

MATHEW QUINN GILLESPIE

APPELLANT

APPELLATE CASE NO. 2025-000562

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**MOTION TO FILE EXTENSION  
OUT OF TIME**

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Counsel Gary H. Johnson respectfully requests leave under Rule 263(b) in which to file the **second** extension in this case out of time. In support of this request, counsel shows:

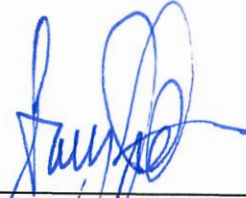
- (1) The Extension was due to be served and filed with this Court on Tuesday, January 20, 2026.
- (2) However, due to administrative error, the extension was erroneously filed in the Court of Appeals rather than the Supreme Court.
- (3) Counsel makes this request in good faith and not for purposes of delay.
- (4) Counsel filed the Record on Appeal in the case of The State v. David Eugene Baynard with the Court of Appeals on January 23, 2026. Counsel filed the

Supplemental Record on Appeal in the case of The State v. Xabian Uronie Bailey with the Court of Appeals on January 22, 2026. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals and Appendix in the case of The State v. Timothy James Thompson with the Supreme Court on January 20, 2026. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Jody Ray Jones v. The State with the Supreme Court on January 15, 2026. Counsel filed the Record on Appeal and Proposed Transport Order in the case of The State v. Xabian Uronie Bailey with the Court of Appeals on January 14, 2026. Counsel filed the Initial Brief of Appellant in the case of The State v. Matthew Dale Barton with the Court of Appeals on January 7, 2026. Counsel filed the Petition for Rehearing in the case of The State v. Bryan Preston Cooper with the Court of Appeals on January 7, 2026. Counsel filed the Brief of Petitioner in the case of Samuel Olalde Gonzalez v. The State with the Court of Appeals on January 5, 2026. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Tyrase Akil Collins with the Court of Appeals on December 30, 2025. Counsel filed the Johnson Petition for Writ of Certiorari and the Appendix in the case of Danny Ryant, Jr. v. The State with the Supreme Court on December 29, 2025.

(5) Opposing counsel, the Attorney General's Office, has graciously consented to this request by way of the thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for motions for extensions or out of time filing up to one month for briefs, returns, petitions, appendices and records on appeal in matters with Appellate Defense through February 1, 2026. That emailed general consent was dated January 2, 2026.

(6) A copy of the extension request filed improperly with the Court of Appeals are attached with this motion.

WHEREFORE, counsel for Appellant respectfully requests the Court accept the **second** thirty-day extension as filed out of time.



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Gary H. Johnson  
Appellate Defender  
SC Bar #8898

This 23rd day of January, 2026.