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Feb 05 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County

Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID MICHAEL GORDON,

APPELLANT

APPELLATE CASE NO. 2025-000408

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for David Gordon respectfully requests a **fourth and final thirty (30) day extension from February 5, 2026 until March 9, 2026** in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today.
2. Counsel for David Gordon respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of

extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

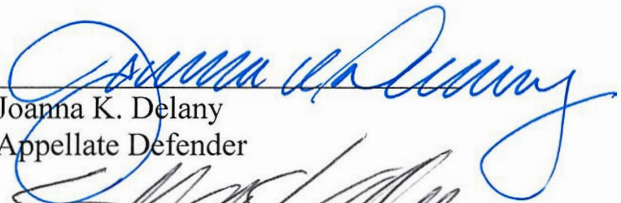
3. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals and accompanying appendix in the case of The State v. Marcus D. Batson with the Supreme Court on February 3, 2026. Counsel filed the Brief of Respondent in the case of The State v. Quinterris J. Carmichael with the Supreme Court on January 28, 2026. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of George R. Dreher v. State with the Supreme Court on January 21, 2026. Counsel filed the Petition for Rehearing in the case of The State v. Terrence O. Frazier with the Court of Appeals on January 7, 2026. Counsel filed the *Anders* Brief of Appellant and Record on Appeal in the case of The State v. Jacob R. Mims with the Court of Appeals on January 6, 2026. Counsel filed the Petition for Rehearing in the case of The State v. Manly M. Thompson with the Court of Appeals on December 18, 2025.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

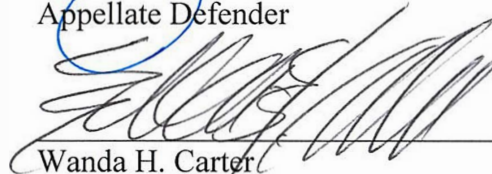
5. On February 3, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from February 5, 2026 until March 9, 2026** in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.


Respectfully submitted,



Joanna K. Delany
Appellate Defender



Wanda H. Carter
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 5th day of February, 2026.

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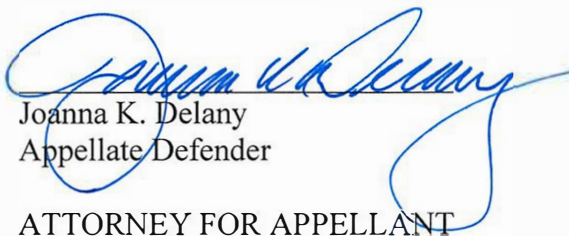
DAVID MICHAEL GORDON,

APPELLANT

APPELLATE CASE NO. 2025-000408

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 5th day of February, 2026.


Joanna K. Delany
Appellate Defender
ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: [Caroline Collins](#); [Delany, Joanna](#)
Subject: 2025-000408 The State v. David M. Gordon Extension 4
Date: Thursday, February 5, 2026 3:34:00 PM
Attachments: 2025-000408 The State v. David M. Gordon Extension 4.pdf

Good Afternoon Mr. Farthing,

Attached for service in the above-referenced case is the fourth motion for an extension of time to serve and file the initial brief of appellant and designation of matter. This motion will be filed with the Court of Appeals today, February 5, 2026, via email filing.

Thank you!

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330

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