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Feb 05 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
William C. McMaster, III, Circuit Court Judge

Appellate Case No. 2025-001473

THE STATE,

Respondent,

v.

ROBERT DANIEL MISTRETТА,

Appellant.

**MOTION FOR FOURTH 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 February 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 **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has submitted an Initial Brief of Respondent in The State v. Francisco

Cortes (2024-002210), a Return to Petition for Writ of Certiorari in Treveen Gethers v. State (2023-001231), and a Final Brief of Respondent in The State v. Sammy Parker (2024-002186).

III.

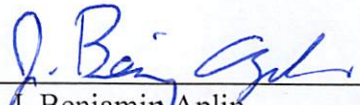
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload. 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

J. BENJAMIN APLIN
Assistant Attorney General

By: 

J. Benjamin Aplin
S.C. Bar Number 8729

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Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By: _____


Mark R. Farthing
Senior Assistant Deputy Attorney General

By: _____


Donald J. Zelenka
Deputy Attorney General

February 5, 2026

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PROOF OF SERVICE

I, Susan Spencer, certify I have served the within Motion for 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 W. Chandler Norville, Esquire to the address listed for counsel in AIS.

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



SUSAN SPENCER

Legal Assistant

Office of the Attorney General