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Feb 09 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Bamberg County

Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DERRICK EDWARD GATHERS,

APPELLANT

APPELLATE CASE NO. 2025-000487

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

Counsel for Derrick Gathers respectfully requests a **fourth and final thirty (30) day extension from February 9, 2026, until March 11, 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 Derrick Gathers 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.

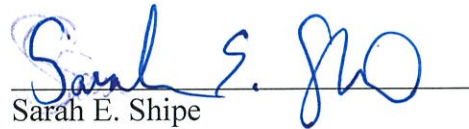
3. Counsel filed the Johnson Petition for Writ of Certiorari and the Appendix in the case of James Lee McCoy, II v. The State with the Supreme Court on January 23, 2026. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Corey T. Busch with the Supreme Court and Court of Appeals on January 20, 2026. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Trampas Prater with the Court of Appeals on January 16, 2026. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Samantha Gwen Watts with the Court of Appeals on January 9, 2026. Counsel will file the Initial Brief of Appellant and Designation of Matter in the case of The State v. John Blauvelt with the Court of Appeals on January 7, 2026. Counsel filed the Record on Appeal in the case of State v. Nathaniel Jenkins with the Court of Appeals on December 18, 2025. Counsel filed the Anders Brief of Appellant in the case of State v. Nathaniel Jenkins with the Court of Appeals on December 17, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Jesse Broughton with the Court of Appeals on November 25, 2025. Counsel appeared for Oral Argument in the case of The State v. Gabriel Curry before the Court of Appeals on November 4, 2025. Counsel filed the Brief of Petitioner in the case of Jason R. Franks v. State with the Court of Appeals on October 27, 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.

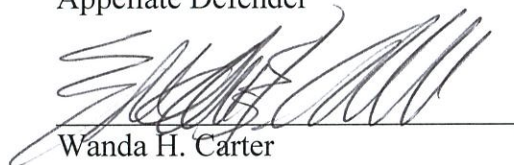
5. On February 3, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through March 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from February 9, 2026 until March 11, 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.

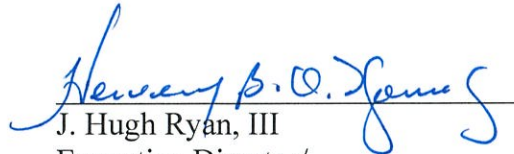
Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Wanda H. Carter
Chief Appellate Defender



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

This 9th day of February, 2026.

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APPELLATE CASE NO. 2025-000487

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 Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 9th day of February, 2026.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

Bast, Daniel

RECEIVED

From: Bast, Daniel
Sent: Monday, February 9, 2026 11:03 AM
To: mfarthing@scag.gov
Cc: Shipe, Sarah; ccollins@scag.gov
Subject: 2025-000487 - The State v. Derrick Gathers
Attachments: 2025-000487 - The State v. Derrick Gathers - Fourth Extension Request.pdf

Feb 09 2026

SC Court of Appeals

Good morning,

Attached is a copy of a fourth extension request in the above referenced case which will be filed today, February 9, 2026, with the Court of Appeals.

All the best,

Daniel Bast
Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330