

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Colleton County
Honorable Marvin H. Dukes, III, Circuit Court Judge
Appellate Case No. 2025-000414

THE STATE,

Respondent,

vs.

JAMES AUSTIN EDWARD TOWNSEND,

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 March 11, 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. Earlier this week, the undersigned counsel submitted an Initial Brief of Respondent and Designation of Matter to the Court of

Appeals in State v. Willis Terrel Ivey. Additionally, in the past few weeks, the undersigned counsel has submitted an Initial Brief of Respondent and Designation of Matter to the Court of Appeals in State v. John Bendarian Bonner; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Rodney David Riggins and State v. Randolph Ashford; has submitted a Motion to Dismiss in lieu of a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Bryan Preston Cooper; has submitted a Final Brief of Respondent to the Court of Appeals in State v. Jason Connell Palmer and State v. Levy Ernest Dunn, III; and has submitted a letter in lieu of a formal return to the Appellant's various pro se filings at the request of the Court of Appeals in State v. Keyshon A. Poinsette, Jr.. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office and has prepared materials for and presented at the 35th Annual Criminal Practice in South Carolina continuing legal education seminar on behalf of the South Carolina Bar Association.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case involves an issue related to the trial judge's refusal to instruct the jury as requested on a lesser-included offense. 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 and other issues that have required the undersigned counsel's attention. 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

MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 

Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: 

Donald J. Zelenka
Deputy Attorney General

March 11, 2026

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SC Court of Appeals

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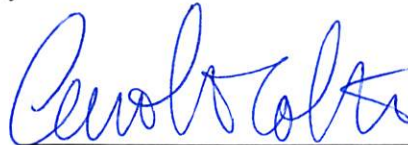
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the 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 the address listed in AIS for the following individual:

W. Chandler Norville, Esquire
SC Commission on Indigent Defense
Office of Appellate Defense
PO Box 11589
Columbia, SC 29201

I further certify all parties required by Rule to be served have been served.
This 11th day of March, 2026.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General