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Jun 05 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Oconee County

Honorable R. Scott Sprouse, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

VIRGINIA LEA DRIVER,

APPELLANT

APPELLATE CASE NO. 2025-002178

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

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Counsel for Virginia Driver respectfully requests a thirty (30) day extension from June 5, 2026 until July 6, 2026 in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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 today.
2. Counsel filed the *Johnson* Petition for Writ of Certiorari and accompanying Appendix in the case of Zaquai Shuler v. State with the Supreme Court on May 27, 2026.

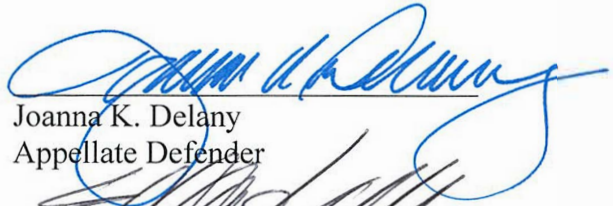
Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Altariq J. Cole with the Court of Appeals on May 13, 2026. Counsel appeared for Oral Argument in the case of The State v. Eryk J. Smith before the Court of Appeals on May 13, 2026. Counsel filed the *Johnson* Petition for Writ of Certiorari and accompanying Appendix in the case of Tarell Brown v. State with the Supreme Court on May 7, 2026. Counsel filed the *Johnson* Petition for Writ of Certiorari and accompanying Appendix in the case of Desiree Brown v. State with the Supreme Court on May 6, 2026. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. George E. Morgan with the Court of Appeals on May 6, 2026. Counsel appeared for Oral Argument in the case of The State v. Darius G. Dickey before the Court of Appeals on May 5, 2026. Counsel appeared for Oral Argument in the case of The State v. Mazar T. Sturdivant before the Court of Appeals on May 5, 2026.

3. This request is made in good faith, and not for purposes 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.

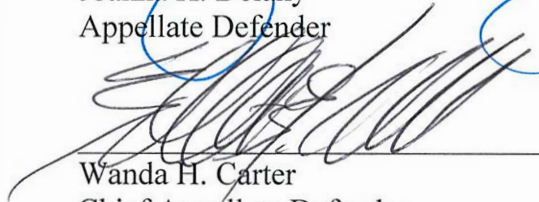
4. On May 26, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through July 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from June 5, 2026 until July 6, 2026. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delany  
Appellate Defender



Wanda H. Carter  
Chief Appellate Defender

This 5th day of June, 2026.

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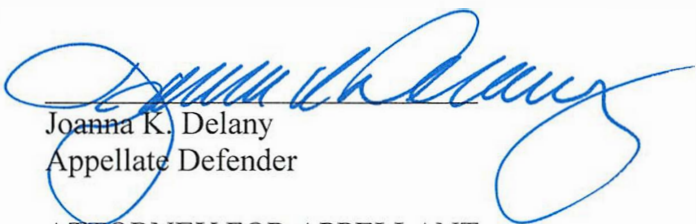
APPELLATE CASE NO. 2025-002178

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CERTIFICATE OF SERVICE

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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 5th day of June, 2026.

  
Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Mcinnis, Sara](#)  
**To:** [Mark Farthing](#)  
**Cc:** [Caroline Collins](#); [Delany, Joanna](#)  
**Subject:** 2025-002178 The State v. Virginia L. Driver Extension 3  
**Date:** Friday, June 5, 2026 12:05:00 PM  
**Attachments:** 2025-002178 The State v. Virginia L. Driver Extension 3.pdf

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Good Afternoon Mr. Farthing,

Attached for service in the above-referenced case is the third 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, June 5, 2026, via email filing.

Thank you,

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