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Jul 06 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 **fourth and final thirty (30) day extension** from July 6, 2026 until August 5, 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 Virginia Driver 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.

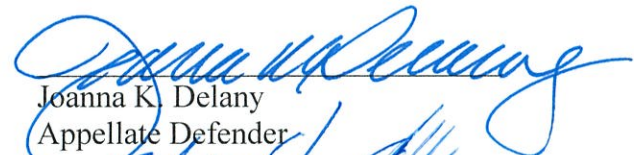
3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Dontrell L. Huff with the Court of Appeals on July 2, 2026. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals and accompanying Appendix in the case of Herbert Holmes v. State with the Supreme Court on June 18, 2026. Counsel filed the Return to the Petition for Writ of Certiorari in the case of The State v. Eric A. Graham with the Supreme Court on June 18, 2026. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Tyberious R. Pyles with the Court of Appeals on June 11, 2026. Counsel filed the *Johnson* Petition for Writ of Certiorari and Appendix in the case of Jeffrey McCoy v. State with the Supreme Court on June 8, 2026. 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 Brief of Respondent in the case of Ronnie Swofford v. State with the Supreme Court on May 21, 2026.

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.

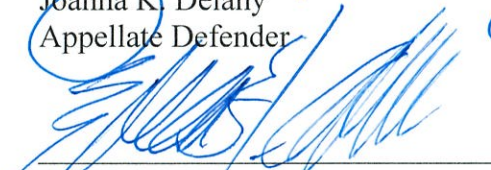
5. On July 2, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** from July 6, 2026 until August 5, 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.

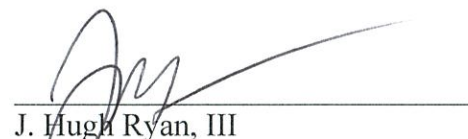
Respectfully submitted,



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 6th day of July, 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 6th day of July, 2026.

  
Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

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SC Court of Appeals

**From:** [Mcinnis, Sara](#)  
**To:** [Mark Farthing](#)  
**Cc:** [Caroline Collins](#); [Delany, Joanna](#)  
**Subject:** 2025-002178 The State v. Virginia L. Driver Extension 4  
**Date:** Monday, July 6, 2026 11:52:00 AM  
**Attachments:** 2025-002178 The State v. Virginia L. Driver Extension 4.pdf

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Good morning 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, July 6, 2026, via email filing.

Thank you,

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