

RECEIVED
Aug 26 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DARIUS LAMAR MONTGOMERY,

APPELLANT

APPELLATE CASE NO. 2025-002326

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

Counsel for Darius Montgomery respectfully requests a **fourth and final thirty (30) day extension from August 26, 2026, until September 25, 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 Darius Montgomery 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 Anders Brief of Appellant, Record on Appeal, and Proposed Transport Order in the case of The State v. William David Gunn with the Court of Appeals on August 21, 2026. Counsel attended a CLE on August 6-7, 2026. Counsel filed the Brief of Petitioner in the case of Diondrae E. Jackson v. The State with the Court of Appeals on August 5, 2026. Counsel filed the Initial Brief of Appellant in the case of The State v. Karrington Christian Holmes with the Court of Appeals on July 31, 2026. Counsel filed the Motion for a New Trial in the case of The State v. Renee Lavonne Simon with the Court of Appeals on July 24, 2026. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Robert Tyrwick Hoffman with the Court of Appeals on July 9, 2026. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of David R. Dozier v. The State with the Supreme Court on July 9, 2026. Counsel filed the Petition for Rehearing in the case of The State v. Measha Jaquetta Shawnic Joyner with the Court of Appeals on July 2, 2026. Counsel filed the Initial Brief of Appellant in the case of The State v. Kasiem Rashawn Stephens with the Court of Appeals on June 26, 2026. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals and Appendix in the case of Anthony Briggs v. The State with the Supreme Court on June 19, 2026. Counsel filed the Johnson Petition for Writ of Certiorari and Appendix in the case of Ralph Jake Goss, Jr. v. The State with the Supreme Court on June 10, 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.

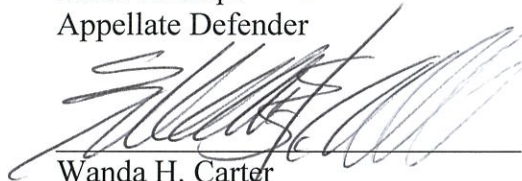
5. On August 3, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from August 26, 2026, until September 25, 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.

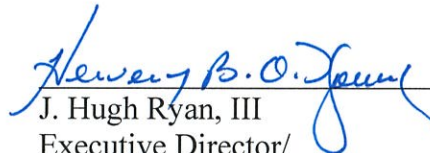
Respectfully submitted,



Sarah E. Shipe
Appellate Defender



Wanda H. Carter
Chief Appellate Defender



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

This 26th day of August, 2026.

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Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

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DARIUS LAMAR MONTGOMERY,

APPELLANT

APPELLATE CASE NO. 2025-002326

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 26th day of August, 2026.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

Bast, Daniel

From: Bast, Daniel
Sent: Wednesday, August 26, 2026 10:49 AM
To: mfarthing@scag.gov
Cc: Shipe, Sarah; gracesommer@scag.gov
Subject: 2025-002326 - The State v. Darius Lamar Montgomery
Attachments: 2025-002326 - The State v. Darius Lamar Montgomery - Fourth Extension Request.pdf

Good morning,

Attached is a copy of a fourth extension request in the above referenced case which will be filed today, August 26, 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

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