

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Donald B. Hocker, Circuit Court Judge

RECEIVED

Sep 16 2026

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JUAN C. TOBON,

APPELLANT.

APPELLATE CASE NO. 2026-000080

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

Counsel for appellant respectfully requests a thirty (30) day extension, 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 Appendix in the case of Thomas Burkhart v. The State with the Supreme Court on September 9, 2026. Counsel filed the Initial Reply Brief of Appellant in the case of In the Interest of Dawone W., A juvenile under

the age of seventeen with the Court of Appeals on September 3, 2026. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. James McDaniel with the Court of Appeals on August 31, 2026. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Jamar Huggins with the Court of Appeals on August 27, 2026. Counsel filed the Initial Brief of Appellant in the case of The State v. Latoya Fludd with the Court of Appeals on August 24, 2026. Counsel filed the Petition for Rehearing in the case of The State v. Martin Dixon with the Court of Appeals on August 20, 2026. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Matthew Gillespie with the Court of Appeals on August 17, 2026. Counsel filed the Anders Brief of Appellant and Record on Appeal in the case of The State v. Donquavis McConnell with the Court of Appeals on August 14, 2026. Counsel filed the Reply Brief of Petitioner in the case of The State v. Timothy James Thompson with the Supreme Court on August 10, 2026. Counsel filed the Initial Brief of Respondent in the case of The State v. Casey Douglas with the Supreme Court on August 3, 2026. Counsel filed the Reply to Return to Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Marc Palmer with the Supreme Court on July 30, 2026. Counsel filed the Final Brief of Appellant, Final Reply Brief of Appellant, and Record on Appeal in the case of Dennis M. Gallipeau v. State with the Supreme Court on July 21, 2026. Counsel filed the Initial Reply Brief of Appellant in the case of Dennis M. Gallipeau v. The State with the Supreme Court on July 20, 2026. Counsel filed the Brief of Petitioner in the case of The State v. Jamar A. Huggins with the Supreme Court on July 17, 2026. Counsel filed the Petition for Rehearing in the case of Nevelle J. Eberhart v. The State with the Court of Appeals on July 16, 2026.

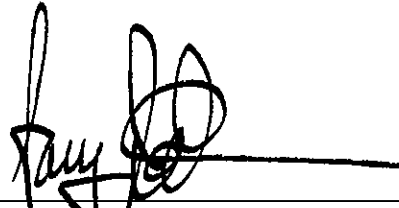
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that his caseload will

hopefully become more manageable in the near future, and less extensions will need to be requested.

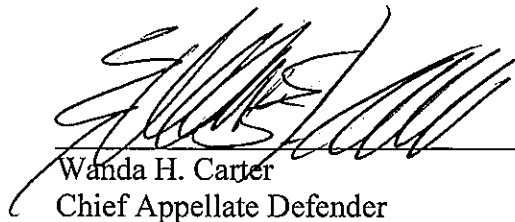
4. On August 27, 2026, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary H. Johnson", written over a horizontal line.

Gary H. Johnson
Appellate Defender

A handwritten signature in black ink, appearing to read "Wanda H. Carter", written over a horizontal line.

Wanda H. Carter
Chief Appellate Defender

This 16th day of September, 2026.

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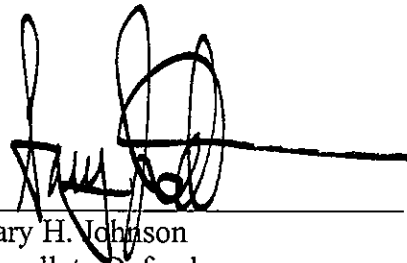
JUAN C. TOBON,

APPELLANT.

APPELLATE CASE NO. 2026-000080

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 16th day of September, 2026.



Gary H. Johnson
Appellate Defender

ATTORNEY FOR APPELLANT

Leverett, Scott

From: Leverett, Scott
Sent: Wednesday, September 16, 2026 2:43 PM
To: Melody Brown
Cc: 'abennett@scag.gov'; Johnson, Gary
Subject: 2026-000080 - State v. Juan C. Tobon - Extension 3
Attachments: 2026-000080 - State v. Juan C. Tobon - Extension 3.pdf

RECEIVED
Sep 16 2026
SC Court of Appeals

Dear Ms. Brown,

Attached please find a third extension in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Gary Johnson
Appellate Defense