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Sep 25 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
The Honorable J. Derham Cole, Jr., Circuit Court Judge
Appellate Case No. 2025-001938

THE STATE,

Respondent,

vs.

JOEL ANTONIO DURAN,

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 September 25, 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. In the past few weeks, the undersigned counsel has submitted an Initial Brief of Respondent and Designation of Matter to

the Supreme Court in State of South Carolina v. Benjamin Allen Wemp (2025-002334) and to the Court of Appeals in State v. Jerelle Hickson (2025-000749); has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. Kendrick Montrez Lee (2026-002059); and has submitted a Final Brief of Respondent to the Court of Appeals in State v. Carles Brandon Scruggs (2025-001295). Counsel would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

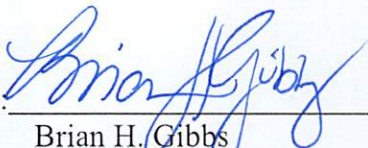
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload. 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

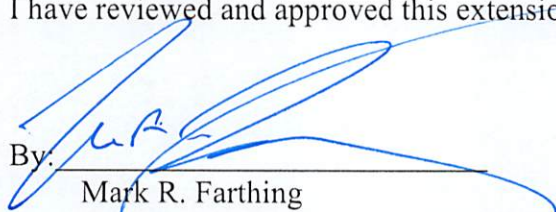
BRIAN H. GIBBS
Assistant Attorney General

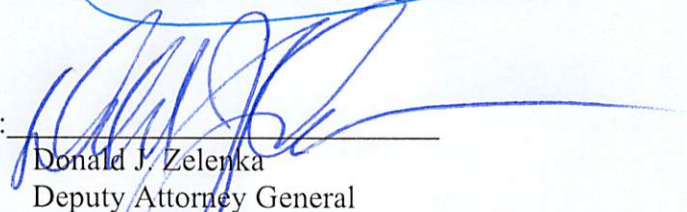
By: 
Brian H. Gibbs
S.C. Bar Number 104137

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By: 
Mark R. Farthing
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

September 25, 2026

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PROOF OF SERVICE

I, Stephen King, 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:

E. Charles Grose, Jr., Esquire
305 Main Street
Greenwood, South Carolina 29646

I further certify all parties required by Rule to be served have been served.
This 25th day of September, 2026.



STEPHEN KING
Legal Assistant
Office of the Attorney General