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Sep 30 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL CHARLES JOHNSON,

APPELLANT

APPELLATE CASE NO. 2026-000271

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

Counsel for Michael Charles Johnson respectfully requests a **fourth and final thirty (30) day extension** from September 30, 2026 until October 30, 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 Michael Charles Johnson 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. From September 28, 2026, through September 30, 2026, counsel is attending the Annual Public Defender Conference in Myrtle Beach. On September 25, 2026, counsel filed the initial brief of appellant and designation of matter in The State v. Barry Smart, Jr. with the Court of Appeals. On September 11, 2026, counsel filed the brief of appellant and designation of matter in The State v. Joseph King with the Court of Appeals. On September 10, 2026, counsel filed the petition for rehearing in Angelo Ham v. The State with the Court of Appeals. On September 10, 2026, counsel filed the return to the petition for rehearing in The State v. Antonio Barnes with the Court of Appeals. On August 31, 2026, counsel filed the return to the petition for writ of certiorari to the Court of Appeals in The State v. Brian Redding with the Supreme Court. On August 26, 2026, counsel filed the initial brief of appellant and designation of matter in The State v. Shane Byerly with the Court of Appeals. On August 24, 2026, counsel filed the initial reply brief of appellant in The State v. Camrin Jay Smith with the Court of Appeals.

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 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 **fourth and final thirty (30) day extension** from September 30, 2026 until October 30, 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,

Lara M. Caudy
Senior Appellate Defender

Wanda H. Carter
Chief Appellate Defender

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

This 30th day of September, 2026.

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MICHAEL CHARLES JOHNSON,

APPELLANT

APPELLATE CASE NO. 2026-000271

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 R. Farthing, Esquire, at his primary e-mail address listed in the Attorney Information System (AIS), this 30th day of September, 2026.

Lara M Caudy

Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

RECEIVED
Sep 30 2026
SC Court of Appeals

From: Mcinnis, Sara
To: Mark Farthing
Cc: Grace Sommer; Caudy, Lara
Subject: 2026-000271 The State v. Michael C. Johnson Extension 4
Date: Wednesday, September 30, 2026 11:14:00 AM
Attachments: 2026-000271 The State v. Michael C. Johnson Extension 4.pdf

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, September 30, 2026, via email filing.

Thank you,

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