RECEIVED
Oct 16 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID LEE MILLBROOKS,

APPELLANT

APPELLATE CASE NO. 2025-002329

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

Counsel for David Millbrooks respectfully requests a **fourth and final thirty (30) day extension from October 16, 2026 until November 16, 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 David Millbrooks 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. Dione Griffith Dobbs with this Court on October 14, 2026. Counsel attended and co-presented the case law update at the Annual South Carolina Public Defender Conference in Myrtle Beach, South Carolina from September 28-30, 2026. Counsel filed the Return to the Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Marcus Alexander Wigfall with the Supreme Court on September 14, 2026. Counsel filed the Return to the Petition for Rehearing in the case of The State v. Darius Grant Dickey with this Court on September 3, 2026. Counsel filed the *Anders* Brief of Appellant and Record on Appeal in the case of The State v. James Christian Wright with this Court on August 28, 2026. Counsel filed the Return to the Petition for Rehearing in the case of The State v. Travontae J. Mitchell with this Court on August 27, 2026. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Vander Antonio Mingledolph with this Court on August 21, 2026. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals and the Appendix in the case of The State v. Marcus Alexander Wigfall with the Supreme Court on August 14, 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 September 24, 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 November 1, 2026.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from October 16, 2026 until November 16, 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/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 16th day of October, 2026.

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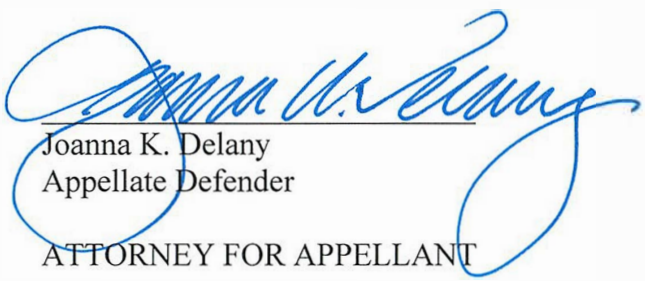
APPELLATE CASE NO. 2025-002329

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 October, 2026.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

Outlook

2025-002329 The State v. David Lee Millbrooks

From Walkup, Catherine <cwalkup@sccid.sc.gov>
Date Fri 10/16/2026 8:59 AM
To mbrown@scag.gov <mbrown@scag.gov>
Cc Delany, Joanna <jdelany@sccid.sc.gov>; abennett@scag.gov <abennett@scag.gov>

1 attachment (269 KB)
2025-002329 The State v. David Lee Millbrooks Extension 4.pdf;

Good morning,

Attached for service in the above-referenced case is the fourth motion for extension which will be filed today October 16th with the Court of Appeals via email filing.

Respectfully,

Catherine Walkup, Administrative Assistant

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