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Oct 26 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

J. Derham Cole, Jr., Circuit Court Judge

Appellate Case No. 2025-001938

THE STATE,

Respondent,

v.

JOEL ANTONIO DURAN,

Appellant.

**MOTION FOR FIFTH 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 October 26, 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 fifth extension in the above-referenced criminal appeal and asks for an

additional ten days to complete the brief in this case. In the past few weeks, the undersigned counsel has filed the Initial Brief of Respondent and Designation of Matter with the Court of Appeals in *State v. Christian J. Novellino* (2025-002271) and *State v. Edwin Carl Haney* (2025-000846); has filed the Return to Cross Petition for Writ of Certiorari at the Supreme Court in *State v. Kendrick Montrez Lee* (2026-002059); has filed the Return to Petition for Writ of Certiorari at the Supreme Court in *State v. Measha Jaquetta Shawnic Joyner* (2026-002118); has submitted the Final Brief of Respondent to the Court of Appeals in *State v. Jaquan Leon King* (2025-000484); and has participated in an Oral Argument before the Court of Appeals in *Gary Moore v. State* (2024-000459). 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 requests that this Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for ten 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.

[signature block on following page]

ALAN WILSON
Attorney General

BRIAN H. GIBBS
Assistant Attorney General

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit

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

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

Attorneys for Respondent

October 26, 2026
Columbia, South Carolina

I have reviewed and approved this extension request.

By: 
Mark R. Farthing
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

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PROOF OF SERVICE

I, Stephen King, certify I have served the within Motion for the Fifth 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 26th day of October 2026.



STEPHEN KING
Legal Assistant
Office of the Attorney General