

RECEIVED

Oct 17 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

On Petition for Writ of Certiorari to Pickens County

The Honorable John C. Hayes, III, Trial Judge  
The Honorable Edward W. Miller, PCR Judge

Appellate Case No. 2021-000057

---

JONATHAN MATTHEW HOLDER,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

---

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH TO SERVE AND  
FILE BRIEF OF RESPONDENT**

---

Respondent hereby moves before this for a third and **final** extension of time in which to file its brief of respondent. In support of this motion, the undersigned shows the following:

1. Respondent's return to the petition for a writ of certiorari was due to be filed and served on October 12, 2022;
2. On October 12, 2022, the undersigned submitted to this Court by email a letter, which bore the signature of the undersigned's supervisor, requesting a third and final extension to the service and filing deadline. A copy of that letter is attached to this motion and incorporated herein;
3. By request of this Court, the undersigned is re-submitting the extension request by this motion;

4. Respondent requests a **fifteen-day** extension to the filing and service deadline due to the undersigned's heavy workload, of which the following are examples:
  - a. On September 18-21, 2022, the undersigned attended the annual Solicitors' Conference in Myrtle Beach, South Carolina;
  - b. On October 3, 2022, the undersigned appeared before the Honorable Walton J. McLeod, IV, by WebEx for a status conference in the post-conviction relief case of *Dial v. State*, 2015-CP-32-2380;
  - c. On October 4, 2022, the undersigned appeared before Judge McLeod by WebEx for a status conference in the case of *Johnson v. State*, 2018-CP-32-03151, and published the docket for the post-conviction relief term of court that is scheduled to begin in the Thirteenth Judicial Circuit on November 7, 2022;
  - d. During the week of October 10, 2022, with the exception of a single day, the undersigned represented Respondent at post-conviction relief hearings held in the Eleventh Judicial Circuit;
  - e. Today, the undersigned submitted a brief proposed order for judicial consideration in the post-conviction relief case of *Gilmore v. State*, 2021-CP-32-01713;
  - f. On October 25, 2022, the undersigned is scheduled to represent Respondent in a hearing by WebEx in the post-conviction relief case of *Simpson v. State*, 2020-CP-39-617;
  - g. On October 26, 2022, the undersigned is due to service and file Respondent's return to a petition for a writ of certiorari in in this Court in

the post-conviction relief appeal of *Swofford v. State*, 2021-001436;

- h. On November 1, 2023, the undersigned is due to file in the Court of Appeals an amended brief of respondent in the post-conviction relief appeal of *Gaskins v. State*, 2019-000907;
  - i. On November 2, 2022, the undersigned is scheduled to represent Respondent in the Ninth Judicial Circuit in a hearing in the post-conviction relief case of *Roberts v. State*, 2020-CP-08-01349;
  - j. On November 3, 2022, the undersigned is scheduled to represent Respondent in post-conviction relief hearings in the Third Judicial Circuit; and
  - k. The undersigned is scheduled to represent Respondent in hearings during the post-conviction relief term of court beginning in the Thirteenth Judicial Circuit on November 7, 2022.
- 5. The purpose of this extension request is not for delay. The undersigned will not request any more extensions.
  - 6. Petitioner consents to this third request for an extension by an inter-agency agreement.

**WHEREFORE**, Respondent prays that this Court will grant a third and final extension of fifteen days for Respondent to serve and file its brief of respondent and that the Court will accept this motion as timely filed in light of the previously submitted extension request letter.

Respectfully submitted,

ALAN WILSON  
Attorney General

TAYLOR ZANE SMITH  
S.C. Bar. No. 103282  
Assistant Attorney General

By: s/Taylor Zane Smith  
Attorneys for Respondent  
Post Office Box 11549  
Columbia, South Carolina, 29211  
(803) 734-3737

October 17, 2022

In compliance with:

In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

s/Megan Harrigan Jameson  
MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General