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Oct 26 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Greenville County

The Honorable Edward W. Miller, Trial Judge
The Honorable Perry H. Gravely, PCR Judge

Appellate Case No. 2021-001436

RONNIE C. SWOFFORD,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR THIRD EXTENSION TO SERVE AND FILE RESPONDENT'S
RETURN TO PETITION FOR WRIT OF CERTIORARI AND RETURN TO
PETITION FOR WRIT OF CERTIORARI PURSUANT TO *AUSTIN V. STATE***

Respondent hereby moves before this for a third extension of time in which to file its return to the petition for a writ of certiorari and its return to the petition for a writ of certiorari pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). In support of this motion, the undersigned shows the following:

1. Respondent's returns are due to be served and filed with this Court today;
2. Respondent requests a third, thirty-day extension to the filing and service deadline due to the undersigned's heavy workload, of which the following are examples:

- a. 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;
- b. 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;
- c. 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;
- d. On October 17, 2022, the undersigned submitted a brief proposed order for judicial consideration in the post-conviction relief case of *Gilmore v. State*, 2021-CP-32-01713;
- e. On October 23, 2022, the undersigned served and filed Respondent's brief with this Court in the post-conviction relief appeal of *Holder v. State*, 2021-000057;
- f. On October 25, 2022, the undersigned represented Respondent in a hearing by WebEx in the post-conviction relief case of *Simpson v. State*, 2020-CP-39-617;
- g. On November 1, 2023, the undersigned is due to file in the South Carolina Court of Appeals an amended brief of respondent in the post-conviction relief appeal of *Gaskins v. State*, 2019-000907;

- h. 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;
 - i. On November 3, 2022, the undersigned is scheduled to represent Respondent in post-conviction relief hearings in the Third Judicial Circuit, for which preparation is ongoing; and
 - j. 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, for which preparation is ongoing.
3. The purpose of this extension request is not for delay.
 4. Petitioner has consented to this extension request through counsel by verbal agreement today.

WHEREFORE, Respondent prays that this Court will grant a third extension of thirty days for Respondent to serve and file its returns to the petitions.

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 26, 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).



WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Signing in place of Megan H. Jameson