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Oct 28 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Calhoun County
Court of Common Pleas
Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2021-001415

HERMAN HUGHES,

Petitioner,

vs.

THE STATE,

Respondent.

**MOTION FOR FOURTH EXTENSION TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI
AND RETURN TO PETITION FOR WRIT OF CERTIORRI
PURSUANT TO *AUSTIN V. STATE***

Respondent, the State, moves this Court for an additional fifteen-day extension of time in which to file the return to petition for writ of certiorari and return to petition for writ of certiorari pursuant to *Austin v. State*, **up to and including November 14, 2022**, in the above-captioned post-conviction relief appeal. This is the State's fourth request for an extension of time in which to file the returns. In support of the request, undersigned counsel would respectfully show this Court:¹

¹ 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).

1. The return to petition for writ of certiorari and return to petition for writ of certiorari pursuant to *Austin v. State* are due to be filed with this Court today, October 28, 2022. The Court has granted the State three previous extensions.
2. Undersigned counsel assumed representation for the State² in this case on October 6, 2022, at which time three extensions had already been granted to previous counsel of record for the State, Senior Assistant Deputy Attorney General Megan Jameson.
3. Undersigned counsel assumed representation for the State in this case because the return to petition for a writ of certiorari and return to petition for writ of certiorari pursuant to *Austin v. State* were not able to be completed before the arrival of SADAG Jameson's baby and start of her maternity leave.
4. In the past thirty days, undersigned counsel has:
 - a. Filed a return to petition for writ of certiorari and supplemental appendix with this Court in *K.C. Langford v. State*, 2021-0001426, on October 12, 2022;
 - b. Represented the State in the post-conviction relief term in the 11th Circuit held October 10–14, 2022, before the Honorable George M. McFaddin, Jr.;
 - c. Filed a post-hearing brief with the circuit court in *Anthony Odom v. State*, 2019-CP-37-0376, on October 17, 2022, following a hearing before the Honorable G.D. Morgan, Jr.;and

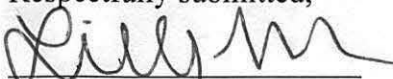
² Concurrent with this motion, undersigned counsel submitted a substitution of counsel letter to this Court.

- d. Filed a return to Applicant's Rule (e) motion with the circuit court in *Edward Chandler v. State*, 2020-CP-19-0085;
5. Counsel is simultaneously preparing for the upcoming post-conviction relief term in the 3rd Circuit, to be held October 31–November 4, 2022, before the Honorable Edward W. Miller.
6. Counsel is simultaneously preparing for the upcoming post-conviction relief term in the 13th Circuit, to be held November 7–11, 2022, before the Honorable J. Derham Cole.
7. Counsel was additionally out of the office on a pre-planned vacation on September 24–October 1, 2022.
8. Greater specificity as to the undersigned's workload can be provided upon request.
9. Counsel for Petitioner has consented to this extension request pursuant to a reciprocal agreement between the Office of the Attorney General and the Office of Appellate Defense.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned is currently working on the returns and hopes to have them completed shortly. The undersigned therefore requests an extension of time within which to serve and file the return to petition for writ of certiorari and return to petition for writ of certiorari pursuant to *Austin v. State*.

THEREFORE, undersigned counsel for the State respectfully requests a **fourth and final fifteen-day extension** until **November 14, 2022**, in which to complete and file the return to petition for writ of certiorari and return to petition for writ of certiorari pursuant to *Austin v. State* based upon the above exigent circumstances.

Respectfully submitted,



Lillian L. Meadows
Assistant Attorney General
S.C. Bar # 103665

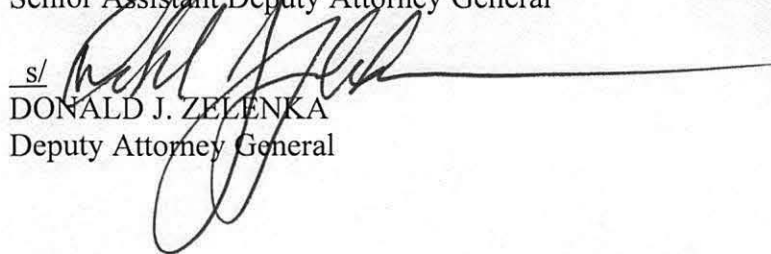
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Attorney for Respondent

We concur that extraordinary circumstances have been shown



WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General



DONALD J. ZELENKA
Deputy Attorney General

This 28th day of October 2022.