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S.C. SUPREME COURT

In the Supreme Court

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas
Honorable Michael Nettles, Circuit Court Judge

Appellate Case No. 2021-001255

REGINALD DUDLEY,

PETITIONER.

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR THIRD EXTENSION TO FILE RETURN
TO PETITION FOR WRIT OF CERTIORARI**

COMES NOW, Respondent, by and through the undersigned counsel, making its motion for an additional thirty (30) day extension of time to file Return to Petition for Writ of Certiorari, up to and including December 2, 2022. This is Respondent's third request for an extension of time in which to file the return. In support of this request, undersigned counsel would respectfully show unto this Court¹:

1. The Return to Petition for Writ of Certiorari is due to be filed with the Court today. The Court has granted counsel two previous extensions.
2. This is the third request for an extension of time in which to file a response.
3. Counsel appeared on behalf of the State at a PCR term in Spartanburg County the weeks of August 8-12, 2022, and October 17- 21, 2022, and is currently drafting orders

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).

for the cases heard during this term.

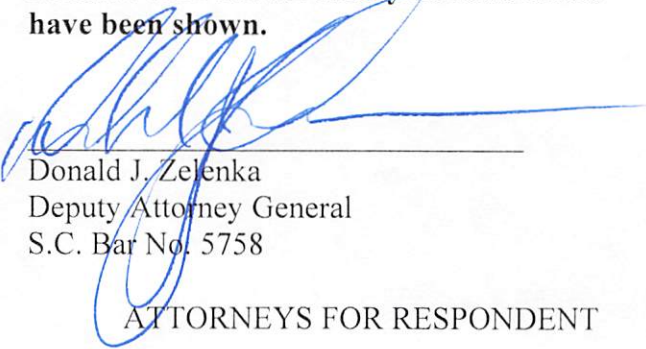
4. Counsel became ill with the coronavirus on August 14, 2022 and did not return to the office to work until August 30, 2022.
5. Counsel appeared on behalf of the State at a PCR term in the Fifteenth Circuit the week of September 5-9, 2022 and is currently drafting orders for the cases heard during this term.
6. Counsel had an out of term hearing in Chesterfield County and Georgetown County on September 1, 2022, and an additional out of term hearing in Spartanburg September 19-20, 2022.
7. Counsel had surgery on September 30, 2022, and did not return to the office to work until October 6, 2022.
8. Counsel has assumed and maintained double the workload with very limited assistance since February 21, 2022.

In short, this extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The undersigned is currently working on the Return and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return. THEREFORE, undersigned counsel for Respondent respectfully requests a **third thirty-day extension**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances. Counsel for Petitioner has consented to this extension request through reciprocal agreement with our offices.

Respectfully submitted,

BY: /s Chelsey F. Marto
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**I concur that extraordinary circumstances
have been shown.**



Donald J. Zelenka
Deputy Attorney General
S.C. Bar No. 5758

November 2, 2022

ATTORNEYS FOR RESPONDENT