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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Newberry County
The Honorable R. Kirk Griffin, Post-Conviction Relief Judge
The Honorable Eugene C. Griffith, Jr., Trial Judge
Appellate Case No. 2022-000283

Toaby Alexander Trapp,

Petitioner,

vs.

State of South Carolina

Respondent.

**MOTION FOR FOURTH EXTENSION OF TIME TO SERVE AND FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, through its undersigned counsel, would respectfully show unto this Court:

I.

The Return to Petition for Writ of Certiorari is to be served and filed March 20, 2023.

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 Respondent moves for a fourth extension in the above referenced PCR appeal. The undersigned believes extraordinary circumstances exist to warrant this fourth extension due to unexpected and significant staffing issues within the Post Adjudication section of the Attorney General's Office which has warranted reassignment of numerous cases and appeals. The undersigned was first assigned this case in January. Further, due to the issues raised and work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this return on time. Since first assigned this case, the undersigned has completed the Initial Brief of Respondent and Designation of Matter in Hannon v. State, In the Interest of Khalid J., State v. Bolick, State v. Marchbanks, and State v. Goss, the Return to Petition

for Writ of Certiorari in the Supreme Court's Original Jurisdiction in Perry v. State, the Return to Petition for Writ of Certiorari in Justice v. State and State v. Eubanks, and Petition for Rehearing in Pray v. State. The undersigned also participated in oral argument for State v. Morales, State v. Carpenter, and State v. Williams. The undersigned spent a considerable amount of time preparing a Petition for Writ of Certiorari and Appendix for the United States Supreme Court in State v. Brewer filed March 10, 2023. The undersigned also has administrative responsibilities as the supervisor of the Criminal Appeals Section. The return in this case is the next task the undersigned plans to complete.

III.

This extension request is not intended for purposes of delay, but rather to ensure the return is properly researched and prepared. I would, therefore, request a fourth extension of time within which to serve and file the Return to Petition for Writ of Certiorari.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion and extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.


Respectfully submitted,

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I have reviewed and approve this request:


DONALD J. ZELENKA
Deputy Attorney General

March 20, 2023