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Jun 16 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Berkeley County  
The Honorable Jennifer B. McCoy, Post-Conviction Relief Judge  
The Honorable Kristi Lea Harrington, Trial Judge  
Appellate Case No. 2023-000213

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Gary Fraley,

Petitioner,

vs.

State of South Carolina

Respondent.

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

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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 June 16, 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. In the last two months, several senior members of the post-conviction relief section have left the office, and the undersigned has assumed a significant portion of the supervisory duties as well as numerous cases and appeals previously assigned to the departed attorneys. The undersigned has also received filings in which this Court has requested a return in

a limited amount of time including the Return to Petition for Writ of Certiorari in the Original Jurisdiction of the Supreme Court in Folkes v. State, which is being filed contemporaneously with this extension request, and the return in Tabron v. State, filed June 15, 2023. Furthermore, the undersigned has multiple returns for this Court that have few or no further extensions available pursuant to this Court's Order Re: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals issued July 16, 2014, including the Return to Petition for Writ of Certiorari in Williams v. State, State v. Fulton, State v. Guderyon, and State v. Davis. In addition, the undersigned has filed the Returns to Petition for Writ of Certiorari in Trapp v. State and McQuarters v. State. 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. The return in this case is one of the next tasks the undersigned plans to complete. Further, this Petition raises twelve significant issues requiring forty pages and has an Appendix that is over 1400 pages.

### 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,


ALAN WILSON  
Attorney General

I have reviewed and approve this request:

s/ Donald J. Zelenka  
DONALD J. ZELENKA  
Deputy Attorney General

June 16, 2023

WILLIAM M. BLITCH, JR.  
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