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Jul 08 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to the Court of Common Pleas
Appeal from Colleton County
Honorable Kristi F. Curtis, Circuit Court Judge
Appellate Case No. 2023-001159

NATHANIEL HAMPLETON,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Return to Petition for Writ of Certiorari in this post-conviction relief appeal is due to be served and filed July 8, 2024.

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 State moves for a **fourth** and **final** extension in the above-referenced post-conviction relief appeal and asks for an additional **ten-day** extension until Thursday, July 18, 2024, to

complete the return in this case. Last week, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Jason Bryan McSwain and filed a return to a Petition for Writ of Mandamus at the request of the South Carolina Supreme Court in Edward Jones v. The Honorable Alex Kinlaw, Jr.. Additionally, in the past few weeks, the undersigned counsel has filed a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Mark Gilbert; filed a return to a pro se request for relief in the South Carolina Supreme Court's original jurisdiction at the request of the Supreme Court in Michael Anthony Breyan v. State of South Carolina; and has submitted an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Anthony Bernard Morris and State v. Terrio Jacquard Thomas. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office and has presented at a continuing legal education seminar for solicitors throughout the state at the request of the South Carolina Commission on Prosecution Coordination.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel is currently working on the Return in this case and intends to have it finished by no later than the end of the requested ten-day time period and hopefully sooner. However, the undersigned counsel—who had no prior involvement in the case until the appellate stage—has not yet been able to finish the Return due to a heavy workload, challenges stemming from staffing issues within the South Carolina Attorney General's Office's post-adjudication section, and other unanticipated matters that have arisen. Accordingly, in order to ensure the Return is properly researched and prepared,

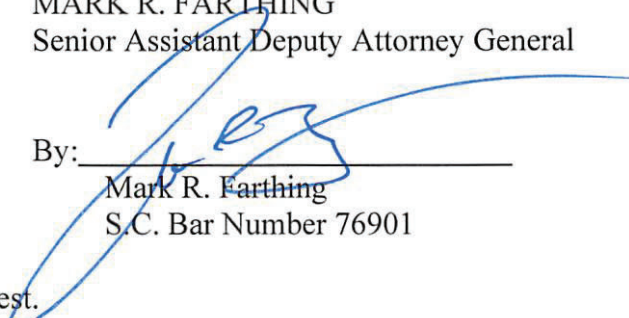
I would therefore request one final additional ten-day extension of time within which to serve and file the Return.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for a period of ten days; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

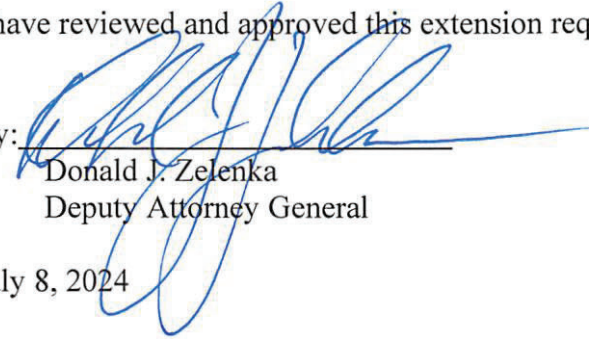
Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 
Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: 
Donald J. Zelenka
Deputy Attorney General

July 8, 2024