

RECEIVED

Jan 02 2025

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ON WRIT OF CERTIORARI TO LEXINGTON COUNTY
Court of Common Pleas
The Honorable Daniel Coble, PCR Judge

Appellate Case No. 2024-000060

WILLIAM C. CAUGHMAN, #355503

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR EXTENSION TO FILE RETURN TO PETITION
FOR WRIT OF CERTIORARI AND TO SUPPLEMENT THE APPENDIX**

The Return to Petition for Writ of Certiorari is due be served and filed on January 2, 2025. Respondent respectfully requests that the Court accept this motion to file its fourth extension request and moves for a 14-day extension in which to serve and file the Return and a Request to Supplement the Appendix to include relevant material stated below.

The primary reason for the request is that the Appendix is missing some critical material from the lower court record. The question presented in this matter by Petitioner is the following:

Did the post-conviction relief court err finding defense counsel was not deficient for failing to retain an independent pathologist where petitioner's defense at trial was that decedent died as a result of negligent care while hospitalized not as a result of injuries sustained in the automobile accident as the state alleged and where petitioner was prejudiced by counsel's deficiency where the jury only

considered the opinion of the state's pathologist who testified decedent died as a result of his injuries from the accident?

Petition for Writ of Certiorari, p. 1.

I.

Within the petition, the Petitioner notes that there was a motion to hire an independent pathologist in the PCR action that was denied. *Petition*, p. 5 and in the *Order of Dismissal*, p. 45. App.p. 787. Respondent submits that on April 11, 2022, there was a hearing on the PCR Applicant's request to authorize his hiring of an independent pathologist before the Honorable George M. McFaddin, Jr. An order denying the request was filed on March 7, 2023. This item was before the PCR hearing Judge, the Honorable Daniel Coble and was part of his consideration. Respondent propose that that Order is a critical document in this proceeding and is relevant to the Respondent's position.

II.

Similarly, the autopsy report of the deceased in this matter was additionally presented to the courts and is a relevant matter to be included in the appendix. This report was cited specifically in the *Order of Dismissal*, p. 46. App.p. 788. Respondent submits the Order is a necessary and appropriate to include this document in the record in the appeal before this Court.

III.

Respondent would also request the PCR motion hearing before Judge McFaddin be included from April 11, 2022. In the written order of Judge McFaddin on the motion,

However, Respondent's below-signed counsel is aware that two other PCR matters held on the same date before Judge McFaddin on April 11, 2022, have been determined by S.C. Court Administration to be unavailable so additional delay would likely be fruitless.

IV.

The request for extension is additionally made due to counsel's heavy caseload, including addressing capital case matters. Given his caseload at this time, counsel has been unable to complete the Return. Consequently, counsel respectfully requests that this Court grant an extension until January 16, 2025, to serve and file the Return. Opposing counsel has graciously consented to this request via email and inter-agency agreement.


WHEREFORE, undersigned counsel for Respondent respectfully requests a fourth **fourteen-day extension** until **January 16, 2025**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

BY:


Donald J. Zelenka
S.C. Bar No. 5758
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

January 2, 2025

ATTORNEYS FOR RESPONDENT