

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

RECEIVED

Jan 24 2025

S.C. SUPREME COURT

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Deadra L. Jefferson, PCR Judge  
The Honorable J.C. Nicholson, Jr., Circuit Judge

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Appellate Case No. 2023-001759

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Hank E. Hawes, SCDC #361739,

Petitioner,

v.

State Of South Carolina,

Respondent.

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**MOTION FOR A FOURTH EXTENSION TO FILE THE RETURN TO PETITION FOR  
A WRIT OF CERTIORARI AND MOTION TO FILE OUT OF TIME**

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Counsel for Respondent respectfully moves this Court to relax Rule 243(g), SCACR, to file Respondent's Return to Petition for Writ of Certiorari out of time and for a **fourth** and **final** extension of thirty (30) days in which to serve and file the Return to Petition for Writ of Certiorari. This is Respondent's fourth request for an extension in which to file the return, which was due to be filed and served on January 20, 2025. Due to a calendaring error, the undersigned counsel missed the deadline. In support of this request, counsel shows:<sup>1</sup>:

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<sup>1</sup> 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).

1. The Return to Petition for a Writ of Certiorari was due to be served and filed with the Court on, January 20, 2025.
2. Counsel for Respondent respectfully submits that extraordinary circumstances exist that warrant the granting of an additional time extension. Given the number of extensions previously granted and the order in which counsel attempts to manage his heavy caseload, Counsel hopes that no further extension requests will be required.
3. Counsel had a term of court on October 21–25, 2024, in the Twelfth Judicial Circuit, in which Counsel is preparing orders.
4. Counsel had a term of court on November 4–8, 2024, in the Sixth Judicial Circuit, in which Counsel is preparing orders.
5. Counsel had a term of court on December 9–13, 2024, in the Fourth Judicial Circuit, in which Counsel is preparing orders.
6. Counsel had a term of court on January 6–10, 2025, in the Sixth Judicial Circuit, in which Counsel is preparing orders.
7. Counsel is preparing for a term of court on February 3–7, 2025, in the Twelfth Judicial Circuit.
8. In the last month, Counsel has had multiple PCR filings due with the lower courts in the Fourth, Fifth, Sixth, Seventh, and Twelfth Judicial Circuits.
9. This extension request is made in good faith and not intended for delay, but rather due to counsel's heavy workload and to ensure the return is properly researched and prepared.
10. Opposing counsel has graciously consented to this request via email.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension, in which to serve and file the Return to Petition for Writ of Certiorari in this case based upon the

above exigent circumstances.

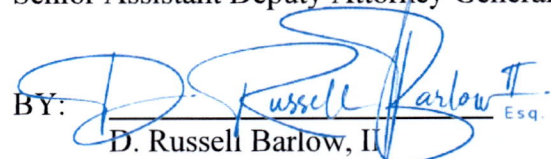
Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

D. RUSSELL BARLOW, II  
Senior Assistant Deputy Attorney General

BY:

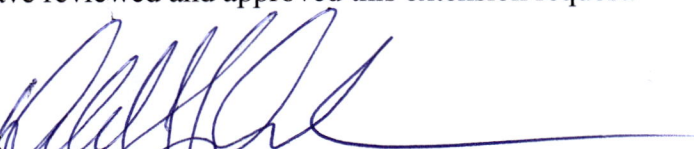


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ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By:



Donald J. Zelenka  
Deputy Attorney General

January 24, 2025