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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

ON PETITION FOR WRIT OF CERTIORARI TO HORRY COUNTY
Court of Common Pleas
Honorable J. Mark Hayes, II, Post-Conviction Relief Judge

Appellate Case No. 2025-001371

STATE OF SOUTH CAROLINA,

PETITIONER,

v.

MITCHELL M. WEATHERALL, #371932,

RESPONDENT.

**MOTION FOR THIRD EXTENSION TO FILE THE PETITION FOR
WRIT OF CERTIORARI AND MOTION TO FILE OUT OF TIME**

Counsel for Petitioner respectfully moves this Court to relax Rule 243(g), SCACR, to file Petitioner's Petition for Writ of Certiorari out of time and for a third extension of thirty (30) days in which to serve and file the Petition for Writ of Certiorari and Appendix. This is Petitioner's third request for an extension in which to file the petition and appendix, which was due to be filed and served on October 8, 2025. Due to a calendaring error, the undersigned counsel missed the deadline. In support of this request, counsel shows:¹:

¹ 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 Petition for Writ of Certiorari and Appendix was due to be served and filed with the Court on October 8, 2025.
2. Counsel for Petitioner 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.
3. Counsel had terms of court in the First, Tenth, and Fifteenth Judicial Circuits, in which Counsel is preparing orders.
4. In the last month, Counsel has had multiple PCR filings due with the lower courts in the First, Tenth, and Fifteenth Judicial Circuits.
5. 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 brief is properly researched and prepared.
6. Opposing counsel has graciously consented to this request.

[SIGNATURE PAGE FOLLOWS]

WHEREFORE, undersigned counsel for Petitioner respectfully requests a third **thirty-day extension until November 8, 2025**, in which to complete and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

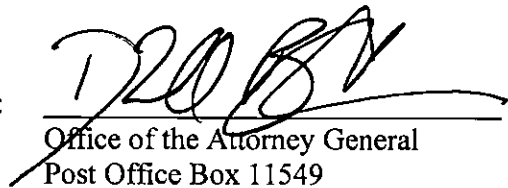
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October 10, 2025

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