

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Dec 05 2025

On Petition for Writ of Certiorari to Lexington County
Court of Common Pleas

S.C. SUPREME COURT

The Honorable J. Cordell Maddox, Jr., PCR Judge
The Honorable Debra R. McCaslin, Circuit Judge

Appellate Case No. 2025-000869

David F. Gates, SCDC #387073,

Petitioner,

v.

State Of South Carolina,

Respondent.

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

Counsel for Respondent respectfully moves for a **fourth** and **final** extension of thirty (30) days in which to serve and file the Return to Petition for Writ of Certiorari in this case. This is a fourth request for an extension. In support of this request, counsel shows:¹:

1. The Return to Petition for a Writ of Certiorari is due to be served and filed with the Court today, December 5, 2025.

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).

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 has been working on a series of extensive PCR proposed orders that have been extended in this time frame since the past extension. In particular, these have included Joshua Brown v. State, (Caraker) (54 pages) Christopher Tillman v. State.(86 pages) (Addy); Travis Hammack v. State (46 pages)(Addy). Counsel is currently working on Gregory Brooks v. State, due this date (currently 80 pages) (Coble) (300 page PCR hearing transcript); William Heath v. State (currently 152 pages) (305 page PCR hearing transcript) (Gravely) (requested due date of Dec. 12); William Marino v. State, (Maddox) (currently 40 pages). Respondent's counsel also has another matter, Robert Prather v. State, currently due Dec. 12 that counsel intends to request an extension to December 19, which also involves a 319 page PCR hearing transcript.
4. Below-signed counsel, in the intgerim in his role as deputy attorney general has also been involved in a series of unexpected staffing issues and other matters that have taken priority.
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 return is properly researched and prepared.
6. Opposing counsel Rauch Wise has been advised of this request, but has not responded at the time of this filing.

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.

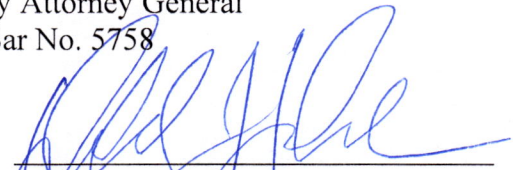
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General
S.C. Bar No. 5758

BY:

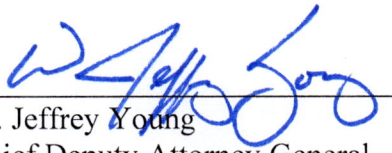


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ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By:


W. Jeffrey Young
Chief Deputy Attorney General
S.C. Bar No. 5747

December 5, 2025