

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Lexington County
Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2025-001760

GARY DUBOSE TERRY, PETITIONER,

v.

STATE OF SOUTH CAROLINA,RESPONDENT.

**PETITIONER’S MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR A WRIT OF CERTIORARI**

Petitioner, Gary Dubose Terry, by and through undersigned counsel, respectfully requests that this Court grant an extension of time for fifteen (15) days to file the Petition for a Writ of Certiorari, currently due to be filed on December 22, 2025. The reasons for this motion are as follows:

1. On October 21, 2025, this Court granted undersigned counsel’s motion for appointment in this case and advised counsel to promptly notify the clerk if counsel anticipated needing additional time to file Petitioner’s petition for a writ of certiorari beyond the thirty days provided in Rule 243(d), SCACR. On October 23, 2025, counsel requested an additional thirty (30) days in which to file the petition for a writ of certiorari, making the petition due on December 22, 2025. On October 24, 2025, this Court granted the extension request.

2. Since counsel’s original extension request was filed, counsel has learned that Lindsey Vann, the current Executive Director of Justice 360, will be leaving Justice 360 and the

practice of law at the end of 2025, and Attorney Franz will be taking over the Executive Director position at the start of January. Consequently, Attorney Franz has needed to spend significant time over the past month preparing to take over Attorney Vann's administrative responsibilities and a portion of her caseload, which was not anticipated at the time counsel filed their original thirty-day extension request.

3. In addition, counsel has spent significant time over the past two months preparing for the post-conviction relief evidentiary hearing in *Cottrell v. State*, No. 2018-CP-26-05709, which is currently scheduled to begin on January 12, 2025. Attorney Franz is appointed counsel in Mr. Cottrell's case, and Attorney Cruz is assisting with preparations for the evidentiary hearing.

THEREFORE, for the reasons stated above, Petitioner respectfully submits that an extension of time is warranted for good cause and requests an extension of fifteen (15) days in which to file the Petition for a Writ of Certiorari in this matter, making the petition due on January 6, 2026.¹

Respectfully submitted,

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December 16, 2025.

¹ Undersigned counsel contacted counsel for the State to request their position on this request, but has not received a response.