

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Dec 22 2025

CERTIORARI TO HORRY COUNTY
Honorable Deadra L. Jefferson,
Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2024-002166

JOHN KEHBORN,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION TO FILE EXTENSION REQUEST OUT OF TIME
AND
MOTION FOR A SECOND THIRTY (30) DAY EXTENSION OF TIME
WITHIN WHICH TO SERVE AND FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI
WITH CONSENT**

The State of South Carolina (“Respondent” or “the State”), through its undersigned counsel, would respectfully show the Court the following:

Based on a notification received from judicial staff, the Return to Petition for Writ of Certiorari in the above-referenced post-conviction relief appeal was due to be served and filed on December 15, 2025. However, due to an inadvertent calendaring oversight, counsel for the State mistakenly failed to file the return by the requisite deadline. As a result of that unfortunate oversight, the State respectfully asks this Court to relax the requirements of Rule 243(g), SCACR, and permit the State to file a motion for a second extension of time within which to serve and file

the Return to Petition for a Writ of Certiorari out of time. *See* Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to the Petitioner and does not believe this request will result in any prejudice to the Petitioner should it be granted. Petitioner has graciously consented to the State’s request.

WHEREFORE, with Petitioner’s consent, the State prays the Court relax the requirements of Rule 243(g), SCACR, and accept the filing of the Motion to File Out of Time a Second Thirty (30) Day Extension of Time Within Which to Serve and File the Return to Petition for Writ of Certiorari.


Respectfully submitted,

ALAN WILSON
Attorney General

DONALD ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW II
Senior Assistant Deputy Attorney General

BRYAN T. HALL
Assistant Attorney General

By: 

S.C. Bar No. 106039
Post Office Box 11549
Columbia, S.C 29211
(803) 734-3737

ATTORNEYS FOR RESPONDENT

December 22, 2025