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Jan 30 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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On Petition for Writ of Certiorari to the Court of Common Pleas  
Appeal from Lancaster County  
Honorable Brian M. Gibbons, Trial Judge  
Honorable Jocelyn Newman, Post-Conviction Relief Judge

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Appellate Case No. 2025-000560

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Terry Catoe, SCDC #216913,

Petitioner,

v.

State of South Carolina,

Respondent.

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

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Counsel for Respondent respectfully moves for a **fifth** 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 the fifth request for an extension. In support of this request, counsel shows:<sup>1</sup>

1. The Return to Petition for a Writ of Certiorari was due to be served and filed with the Court on January 30, 2026.
2. Counsel for Respondent respectfully submits that extraordinary circumstances exist that warrant the granting of an additional time extension. Given the number of extensions

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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).

previously granted and the order in which counsel attempts to manage his heavy caseload, Counsel will not request any further extension.

1. Counsel had a term of court on November 10–14, 2025, in the Fifth Judicial Circuit, in which Counsel is preparing orders.
2. Counsel had a term of court on November 17–21, 2025, in the Seventh Judicial Circuit, in which Counsel is preparing orders.
3. Counsel had a term of court on December 1–5, 2025, in the Eleventh Judicial Circuit, in which Counsel is preparing orders.
4. Counsel had a term of court on December 8–12, 2025, in the Sixth Judicial Circuit, in which Counsel is preparing orders.
5. Counsel has a term of court on February 9<sup>th</sup> and 10<sup>th</sup> in the First Judicial Circuit, in which Counsel is preparing the cases.
6. Counsel has a term of court on February 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> in the Eleventh Judicial Circuit, in which Counsel is preparing the cases.
7. Counsel has a term of court on February 16–20, 2026, in the Fifth Judicial Circuit, in which Counsel is preparing the cases.
8. In the last month, Counsel has had multiple PCR filings due with the lower courts in the Fifth, Seventh, Ninth, Tenth, and Eleventh 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, undersigned counsel for Respondent respectfully requests a **thirty-day extension** until **March 1, 2026**, in which to complete and file the Return to Petition for Writ of

Certiorari in this case based upon the above exigent circumstances.

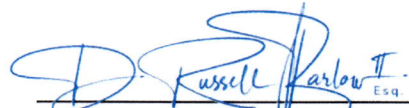
Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

D. RUSSELL BARLOW, II  
Senior Assistant Deputy Attorney General

BY:

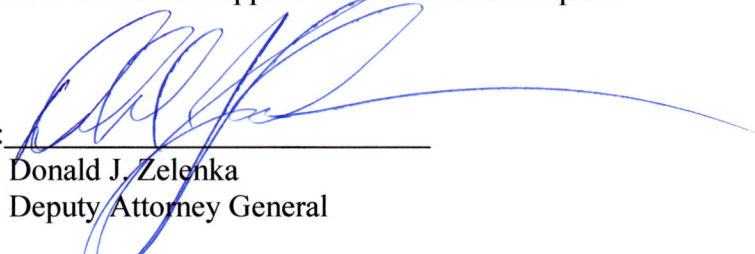


D. RUSSELL BARLOW, II  
S.C. Bar No. 105228  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By:



Donald J. Zelenka  
Deputy Attorney General

January 30, 2026