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Apr 14 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
General Sessions Court
Grace Gilchrist Knie, Circuit Court Judge

Opinion No. 2025-UP-422 (S.C. Ct. App. filed December 23, 2025)

Appellate Case No. 2026-000456

The State,

Respondent,

v.

Donald King Pollock,

Petitioner.

PETITIONER'S MOTION FOR LEAVE TO FILE, OUT OF TIME, A REPLY
TO THE STATE'S RETURN TO THE PETITION FOR A WRIT OF CERTIORARI

The Petitioner, Donald King Pollock, respectfully moves for leave to file, out of time, a reply to the return filed by the Respondent, the State of South Carolina, to the petition for writ of certiorari filed by the Petitioner, based on the following circumstances:

1. Petitioner filed a petition for writ of certiorari on February 25, 2026. Throughout this appeal, Petitioner has been represented by lead counsel, Jack B. Swerling, and by associate counsel, Katherine Carruth Goode. Petitioner's attorneys are not members of the same law firm.

2. On March 27, 2026, Respondent filed a return to the petition for writ of certiorari. Respondent served the return on lead counsel but not on associate counsel. Service was made on lead counsel by email and, through inadvertence, lead counsel did not see the email and was not aware a return had been filed.

3. Yesterday, April 13, 2026, associate counsel learned through the case tracking system on the Judicial Department's website that a return had been filed on March 27, 2026, and that no reply had been filed within the original filing period for a reply.

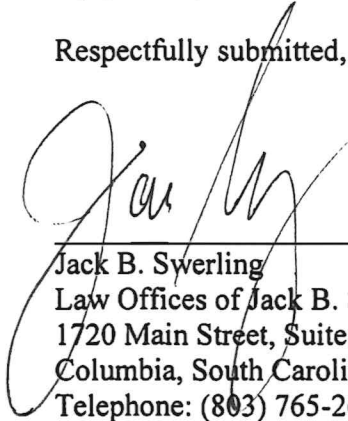
4. The failure to file a timely reply was due to lead counsel's failure to see the service email sent on March 27, 2026, and was further due to associate counsel's not having been served with Respondent's return. Counsel's oversight was unintentional. Had counsel been aware of the Respondent's filing of the return, they would have filed a reply within the initial 10-day deadline.

5. The mistake in failing to learn of the Respondent's filing was completely inadvertent on the part of lead counsel and was compounded by the failure of Respondent to also serve associate counsel. Counsel respectfully ask that the Court allow late filing of a reply to the Respondent's return and that the Court establish a new 10-day period for the preparation, service, and filing of that reply.

6. The initial deadline for the reply was April 6, 2026. Counsel learned of the Respondent's filing yesterday, a mere week after the passing of the initial deadline. If the Court grants leave to file a late reply and grants an additional 10 days in which to prepare, serve, and file that reply, the Respondent will not be prejudiced.

WHEREFORE, Petitioner respectfully moves for leave to file a reply to the return to the petition for writ of certiorari, out of time, and further respectfully moves that the Court reestablish the deadline for the reply 10 days from today's date, April 24, 2026.

Respectfully submitted,



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PROOF OF SERVICE

I hereby certify that I am serving the Petitioner's Motion for Leave to File, Out of Time, a Reply to the State's Return to the Petition for a Writ of Certiorari, by email to Assistant Attorney General Joshua A. Edwards, at his AIS email address, on April 14, 2026, as shown by the email by which the Motion is being filed.



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