

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Lexington County  
Court of Common Pleas

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Appellate Case No. 2025-001760

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**RECEIVED**

**Jun 05 2026**

S.C. SUPREME COURT

GARY DUBOSE TERRY

V.

STATE OF SOUTH CAROLINA,

PETITIONER,

RESPONDENT.

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PETITIONER'S MOTION FOR A SECOND EXTENSION  
OF TIME TO FILE REPLY TO RETURN TO  
PETITION FOR WRIT OF CERTIORARI

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Petitioner, Gary Dubose Terry, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant an extension of time for ten (10) days to file the Reply to Return to Petition for Writ of Certiorari presently due for filing on June 8, 2026. The reasons for this motion are as follows:

1. This Court granted an initial 30-day extension on May 6, 2026, extending the filing deadline to June 8, 2026.
2. Since the Court granted its initial extension, undersigned counsel Allison Franz has needed to devote significant time to several matters heard or due in the first week of June, including preparing and filing a petition for rehearing in this Court in *Aleksey v. State*, No. 2024-000140, preparing for and arguing an action for declaratory judgment in *Timmons v. S.C. Dep't of Prob.*,

*Parole, & Pardon Servs.*, No. 2024-CP-40-05747, and representing a client at a parole hearing. Attorney Franz has also been preparing post-hearing briefing in two capital post-conviction matters, *Starnes v. State*, No. 2011-CP-32-0830, and *Cottrell v. State*, No. 2018-CP-26-05709. Finally, Attorney Franz traveled to speak at two conferences from May 28–30, which Attorney Cruz also traveled to attend, and June 3–5.

3. Undersigned counsel Brianna Cruz has devoted a substantial portion of the past thirty days to preparing for a juvenile waiver hearing scheduled for June 4–5, 2026, in Calhoun County. In addition, Attorney Cruz is retained *ex parte* as a mitigation specialist in a federal pre-authorization matter and has dedicated significant time to preparing for a bond hearing held on May 13, 2026. Attorney Cruz also prepared for a parole hearing conducted on May 28, 2026. As a result, undersigned counsel has not had time to effectively complete Petitioner’s Reply by the currently scheduled deadline.

4. Petitioner’s case concerns factual and legal issues regarding a claim that he is intellectually disabled pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), which require thorough research briefing. Undersigned counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues in this case.

5. Undersigned counsel contacted counsel for the State, who consents to this extension request.

THEREFORE, for the reasons stated above, Petitioner respectfully submits that an extension of time is warranted for good cause and requests a ten-day extension, extending the deadline to file his Reply to the Return to Petition for a Writ of Certiorari to June 18, 2026.

*[signature block appears on following page]*

Respectfully submitted,

/s/ Allison Franz

Allison Franz

Brianna Cruz

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June 5, 2026.