

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Patrick C. Fant, III, Circuit Court Judge

Appellate Case No. 2025-000367

The State of South Carolina

Respondent,

v.

Zachary David Hughes

Appellant

STATUS REPORT

On July 21, 2026, this Court granted the Appellant's Motion to Stay the Appeal and Remand to Circuit Court. This Court's order also mandated that counsel for Appellant provide the Court with written status updates every thirty days. Pursuant to this Court's Order, counsel for Appellant provide this Court with their third status report, which is intended as a summary of significant activities and/or developments which have occurred within the last 30 days.

In the last 30 days, counsel for Appellant and/or members of the defense team have done the following:

- On August 26, 2026, the parties met with the Chief Administrative Judge (CAJ) for General Sessions Court for the Thirteenth Circuit for the purpose of updating the CAJ on the status of the Appellant's investigation and logistics associated with the Appellant's forthcoming Motion for New Trial;

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- On multiple occasions since filing the second status report, counsel for Appellant have contacted the lawyer for the former assistant solicitor¹ to schedule an interview. The lawyer has been very responsive, and, upon information and belief, the lawyer has communicated with the 13th Circuit Solicitor's Office on behalf of the former assistant solicitor to determine, what if any, privilege or other concerns the 13th Circuit Solicitor's Office would have in the context of counsel for Appellant interviewing the former assistant solicitor;
- On September 8, 2026, counsel for Appellant sent a Freedom of Information Act (FOIA) request to the 13th Circuit Solicitor's Office. The FOIA request sought

All emails exchanged between (the) former Thirteenth Circuit Solicitor . . . and (his co-counsel), as well as all emails exchanged between either (the Solicitor and his co-counsel) and (law enforcement officers specifically named) concerning Christina Parcell, Bradley Post, or evidence recovered from Bradley Post's electronic devices, to the extent such communications concern or relate to Christina Parcell's alleged involvement in the creation, production, direction, or participation in sexually explicit photographs, videos, or other materials, including any discussion or characterization of the existence, nature, reliability, significance, admissibility, or ability to substantiate or prove such evidence or allegations;

- Also, on or about September 8, 2026, counsel for the Appellant communicated with the 13th Circuit Solicitor's Office to determine what position the Solicitor's Office would take on the interview of the former assistant solicitor and whether the Solicitor's Office would want to have a representative present at the interview. The assistant solicitor to whom counsel for Appellant spoke told counsel it was the former assistant solicitor's decision as to whether the interview would take place, and indicated it was not necessary for someone from the Solicitor's Office to be present in the interview. The assistant solicitor reserved the right to object to the introduction of evidence emanating

¹ See Second Status Report, at 2, 4.

from the interview should such an objection be appropriate;

- On September 9, 2026, counsel for Appellant provided the CAJ and the State, via email, with a status update pursuant to the CAJ's instructions. In their update, counsel for Appellant indicated that once they were able to interview the former assistant solicitor and receive the 13th Circuit Solicitor's Office's FOIA response, Appellant would be well-positioned to file a short motion for a new trial, which would set forth conceptually the Appellant's bases for a new trial, to be followed by a more robust memorandum in support thereof after the hearing on the motion was completed. Counsel for Appellant also requested that the CAJ adjudicate the Appellant's Motion to Disqualify or Recuse the 13th Circuit Solicitor's Office while counsel for Appellant continue to wait to receive the 13th Circuit Solicitor's Office's FOIA response and to interview the former assistant solicitor. Advocating on behalf of the State, the Attorney General's Office opposed the CAJ's resolving of the Motion to Disqualify as "not ripe" and "premature."² Amazingly, the Attorney General's Office renewed its opposition to the Appellant's forthcoming motion for new trial, even though it has not yet seen it and does not even know to what the State would be objecting;
- On September 13, 2026, counsel for Appellant contacted the lawyer for the former assistant solicitor to schedule an interview for the week of September 14th. They tentatively scheduled an interview for the evening of September 18th, but the interview did not take place.

² In its email to the CAJ, the Attorney General's Office also committed to being the entity on behalf of the State, not the 13th Circuit Solicitor's Office, that would be filing the "Motion to Dismiss" the new trial motion. Counsel for Appellant believes this development could render its Motion to Disqualify moot: the State appears to be conceding that the Attorney General is the proper party to represent the State in this case in the Court of General Sessions, not the 13th Circuit Solicitor's Office.

Significant developments which have occurred in the last 30 days include but are not limited to:

- Counsel for the Appellant have set forth it proposed plan for the CAJ in resolving the Appellant's forthcoming motion for a new trial;
- The State has apparently conceded that the Attorney General's Office is the appropriate entity to represent the State in this matter in the Court of General Sessions;
- To its credit, the 13th Circuit Solicitor's Office has allowed the former assistant solicitor to decide for himself whether he wishes to meet with counsel for Appellant;
- Counsel for Appellant are optimistic that they will be able to meet with the former assistant solicitor and receive the 13th Circuit Solicitor's Office FOIA response within the next two weeks from the date of the filing of this response; and
- Assuming the interview takes place and the FOIA information is provided, counsel for Appellant anticipate filing the motion for new trial prior to the filing of their next status report with this Court.

Respectfully submitted,

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s/Mark Moyer
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PROOF OF SERVICE

I certify that on this, the 21st day of September, 2026, Appellant's Third Status Report was served on the Thirteenth Circuit Solicitor's Office and the South Carolina Attorney General's Office by email and/or US Mail.

Respectfully submitted,

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September 21, 2026.