

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

ON CERTIORARI TO PICKENS COUNTY
Court of Common Pleas
The Honorable Edward W. Miller, PCR Judge

Appellate Case No. 2021-000057

JONATHAN MATTHEW HOLDER,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR FOURTH EXTENSION TO FILE RETURN TO PETITION FOR WRIT
OF CERTIORARI**

Respondent, the State, moves this Court for an additional thirty-day extension of time in which to file the return to the petition for writ of certiorari, **up to and including October 18, 2021**. This is Respondent's fourth request for an extension of time in which to file the return. In support of the request, undersigned counsel would respectfully show this Court:¹

1. The return to the petition for writ of certiorari is due to be filed with this Court on Friday, September 17, 2021. The Court has granted Respondent three extensions previously.

¹ 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).

2. This is the fourth request for an extension of time in which in which to file a response.
3. The undersigned represented Respondent at post-conviction relief hearings held at the Beaufort County Courthouse on August 9, 2021.
4. The undersigned represented Respondent at a post-conviction relief term of court that began in the Eleventh Judicial Circuit on August 30, 2021.
5. The undersigned represented Respondent at a post-conviction relief term of court that began in the Thirteenth Judicial Circuit on September 13, 2021, with very little time to prepare considering the short amount of time between the term of court and the previously mentioned term of court.
6. In the past thirty days, the undersigned, among other things, filed a return to the application for post-conviction relief in Bagwell v. State, 2021-CP-39-00578; drafted a return to the applicant's motion for indigent funding in Burkhart v. State, 2012-CP-04-542; filed a return to a motion for authorization to engage in discovery in Brown v. State, 2019-CP-32-00624; assisted the petitioner's counsel with identifying and locating the documents needed for the appendix in the post-conviction relief appeal of McCall v. State, 2021-000385; and communicated with the Tenth Circuit Solicitor's Office and the Anderson County Sheriff's Office, and reviewed opposing counsel's proposed order authorizing discovery, in Burkhart v. State, 2012-CP-04-00542.
7. The undersigned is presently assisting in the preparation of the docket for and preparing to represent Respondent at the post-conviction relief term of court scheduled to begin in the Tenth Judicial Circuit on October 18, 2021.
8. The undersigned does not intend to ask for another extension.

9. Petitioner has consented to this motion by way of an inter-agency agreement.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned is working on the return to the petition for a writ of certiorari and hopes to have it filed next week.

THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty-day extension** until **Monday, October 18, 2021**, in which to complete and file the return to the petition for writ of certiorari based upon the above exigent circumstances.

Respectfully submitted,

s/Taylor Zane Smith

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Attorney for Respondent

**We concur that extraordinary circumstances
have been shown**

s/Megan Harrigan Jameson
MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

s/Donald J. Zelenka
DONALD J. ZELENKA
Deputy Attorney General

This 17th day of September, 2021