

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of General Sessions
The Honorable Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2013-000196

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

JAMES E. WISE,

APPELLANT.

PETITION TO RELAX RULE 208(a)(2), SCACR,
AND REQUEST FOR EXTENSION

COMES NOW, Respondent, above named, by and through the undersigned counsel, making its Petition to Relax Rule 208(a)(2) and Request for Extension, and would show unto this Court:

I.

Upon receipt of the pro se Initial Brief of Appellant, the undersigned requested its closed post-conviction relief files from archives to review the matters referenced by the court of general sessions in the order on appeal. Pending receipt of the files, counsel inadvertently failed to properly note the due date for the Respondent's Initial Brief and Designation of Matter on her calendar. Respondent's Initial Brief of Respondent and Designation of Matter in the above captioned appeal were due to be filed and served but the deadline was missed. It was the undersigned's intent to

submit a Respondent's Initial Brief and Designation of Matter.

II.

It is respectfully requested that this Court relax Rule 208(a)(2), SCACR, and allow Respondent to file an Initial Brief of Respondent and Designation of Matter and for a fifteen (15) day extension to file and serve its Initial Brief of Respondent and Designation of Matter.

III.

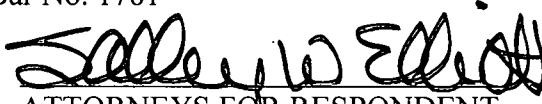
WHEREFORE, it is respectfully requested that this motion to relax and for extension of time be granted.

Respectfully submitted,

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
S.C. Bar No. 1781

By:


ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

May 21, 2013

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In the Court of Appeals

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STATE OF SOUTH CAROLINA,

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V.

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AFFIDAVIT OF SERVICE

PERSONALLY APPEARED before me Ellen DuBois, Legal Assistant, who being duly sworn, deposes and says that:

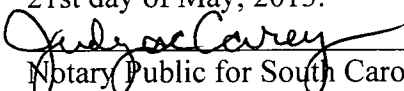
- (1) She is a legal assistant for one of the attorneys for Respondent herein.
- (2) There exists regular communication by mail throughout the State of South Carolina and that this is a proper circumstance for service by mail.
- (3) She served a copy of the foregoing PETITION TO RELAX RULE 208(a)(2)SCACR, AND REQUEST FOR EXTENSION on Appellant by depositing same in the U.S. Mail, postage prepaid, addressed as follows:

**James E. Wise, 250411
Lieber Correctional Institution E-B-49
P. O. Box 205
Ridgeville, SC 29472**



Ellen DuBois

SWORN TO before me this
21st day of May, 2013.



Notary Public for South Carolina
My Commission Expires: 5/11/2014



ALAN WILSON
ATTORNEY GENERAL

May 21, 2013

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State of South Carolina v. James E. Wise
Appellate Case No. 2013-000196

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Petition to Relax Rule 208(a)(2), SCACR, and Request for Extension for filing in your office.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General
S.C. Bar No. 1781

SWE/

cc: James E. Wise, 250411

RECEIVED

MAY 21 2013

SC COURT OF APPEALS