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Aug 05 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CERTIORARI TO BERKELEY COUNTY
Court of Common Pleas
The Honorable Michael G. Nettles, PCR Judge

Appellate Case No. 2018–002216

SHANA ROBINSON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**RESPONDENT’S MOTION TO RELAX RULE 243(g),
SCACR AND FILE AMENDED
BRIEF OF RESPONDENT OUT OF TIME**

Respondent, the State, moves this Court to withdraw the State’s previous Brief of Respondent submitted to this court and accept the Amended Brief of Respondent out of time. In support of the request, undersigned counsel would respectfully show this Court:

1. The brief of respondent was due to be filed with this Court, August 4, 2022. This Court has granted the State four previous extensions. Due to undersigned counsel’s errors, the Brief was not filed on the above-mentioned due date.

2. Before submission, Undersigned Counsel began experiencing substantial technical difficulties with her computer. Notably, she was not able to save the final version of her brief to send to the Court via e-mail or other electronic means, unable to retrieve, save or send the letters or certificate of service required by Rule 262(b) SCACR due to the freezing of several applications on her computer. Undersigned Counsel attempted and continued to troubleshoot in several ways until her computer applications allowed her to file.
3. In attempt to file, Undersigned Counsel filed the only saved version of her brief at 12:31 AM on August 5, 2022.
4. Undersigned Counsel has since discovered that this version was missing citations to the record and other pertinent portions of Respondent's brief.
5. Furthermore, as Undersigned Counsel was not able to file until August 5, 2022, Respondent's Certificate of Service is inaccurate and out of compliance with Rule 262(b) of SCACR.
6. Undersigned Counsel has consulted with Petitioner's Counsel, who has graciously consented to this request due to interagency agreement between Appellate Defense and the State.
7. Accordingly, Undersigned Counsel moves to withdraw its previous submission of the Brief of Respondent that was filed out of time.
8. Pursuant to Rule 263, SCACR, Respondent respectfully requests that the rules be relaxed in order to file the amended Brief of Respondent. *See* Rule 263(b), SCACR ("The time prescribed by these Rules for performing

any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”).

THEREFORE, undersigned counsel for the State respectfully requests Respondent be allowed to withdraw its previous Brief of Respondent submitted in this matter and be allowed to file an Amended Brief of Respondent out of time.

Respectfully submitted,

/s/ Lauren T. Mims
LAUREN T. MIMS
S.C. Bar No. 104996
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ATTORNEY FOR RESPONDENT

August 5, 2022

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Certiorari to Berkeley County
Court of Common Pleas
The Honorable Michael G. Nettles, Post-Conviction Relief Judge

Appellate Case No. 2018-002216

SHANA D. ROBINSON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

PROOF OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion to File Amended Brief of Respondent Out of Time and Amended Brief of Respondent has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Robert M. Dudek, Esquire
rdudek@sccid.sc.gov

This 5th day of August, 2022.

s/ Lauren T. Mims

Lauren T. Mims
Assistant Attorney General
Office of the Attorney General
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Columbia, SC 29211
(803) 734-3737
laurenmims@scag.gov



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

August 5, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
(via e-filing only – ctappfilings@sccourts.org)

Re: Shana D. Robinson v. State of South Carolina
Appellate Case No: 2018-002216

Dear Ms. Kitchings:

Respondent's Brief of Respondent in the above-referenced post-conviction relief appeal was due to be served and filed on August 4, 2022. Enclosed please find Respondent's Motion to File Amended Brief of Respondent Out of Time and Amended Brief of Respondent.

Please let me know if I can provide the Court with any additional information regarding the enclosed motion.

Sincerely,

s/ Lauren T. Mims

Lauren T. Mims
Assistant Attorney General
SC Bar No. 104996

cc: Robert M. Dudek, Counsel for Petitioner (via email only)