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Dec 14 2022

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM MARLBORO COUNTY
The Hon. Paul M. Burch, Circuit Court Judge

Appellate Case No.: 2022-001480

Daisy Frederick,.....Respondent,

v.

Daniel Lee McDowell,.....Petitioner.

MOTION FOR EXTENSTION

The Petitioner respectfully moves for an extension of time in which to file and serve a Reply in support of his Petition for Writ of Certiorari. Earlier today, the Court granted the Respondent’s motion to file a Return to the Petition out of time.¹ The Order granting that motion states that the Court accepts the Return as if it had been filed on December 9, 2022. That means that under the South Carolina Rules of Appellate Procedure, the Petitioner’s Reply would be due today, i.e. the same day on which counsel for the Petitioner received notice that the Court would accept the Return that was submitted out of time.

Under these circumstances, the Petitioner respectfully requests that the Court extend the deadline for filing and serving the Reply until December 21, 2022, which would have been the

¹ The Court’s email serving its Order on counsel of record was sent and received at 2:27 pm on December 14, 2022.

deadline under Rules 240(f) and 263(a), SCACR, if the Return had been filed and served on the date of the Court's Order.

The Petitioner asserts that he is not requesting this extension for the purpose of delay, that good cause exists to support the request, and that the Respondent will not be prejudiced in any way if the extension is granted.

Respectfully submitted,

s/ R. Hawthorne Barrett

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