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Mar 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Certiorari to Lancaster County
Court of Common Pleas
The Honorable Paul M. Burch, PCR Judge

Appellate Case No. 2019–001272

DEVATEE T. CLINTON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR FIRST EXTENSION TO FILE BRIEF OF
RESPONDENT AND MOTION TO FILE OUT OF TIME**

COMES NOW, Respondent, by and through the undersigned counsel, making its motion to relax Rule 243(g), SCACR, and file Respondent's Brief of Respondent out of time and Respondent's first extension request, and would show unto this Court¹:

I.

The Brief of Respondent in the above-captioned matter was due to be filed and served on March 10, 2023. However, due to a calendaring error, the Brief of Respondent was not filed on the above-mentioned due date. Respondent, therefore, requests that the rules be relaxed in order

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).

to file a **first** thirty-day extension in which to prepare and submit a 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.”).

The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to Petitioner and does not believe this request will result in any prejudice to Petitioner should it be granted.


II.

WHEREFORE, Respondent respectfully asks that this Court to relax the requirements of Rule 243(g), SCACR; permit Respondent to file a request for a first thirty-day extension out of time; grant Respondent’s first extension request; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

D. RUSSELL BARLOW, II
Assistant Attorney General

BY: 
D. Russell Barlow, II
S.C. Bar No. 105228
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

March 28, 2023

ATTORNEYS FOR RESPONDENT

From: [Russ Barlow](#)
To: jsaxon@sccid.sc.gov
Cc: [Summer Etheredge](#)
Subject: Emailing: CLINTON Devatee T. - Motion to File Extension Out of Time (03252793xD2C78).PDF
Date: Tuesday, March 28, 2023 11:10:00 AM
Attachments: [CLINTON Devatee T. - Motion to File Extension Out of Time \(03252793xD2C78\).pdf](#)
[image001.png](#)

Good Morning –

Attached for service in the above-referenced case is the Motion to File Extension Out of Time, which will be filed today, March 28, 2023, with the Court of Appeals.

Respectfully,



Russ Barlow

Assistant Attorney General
Post-Conviction Relief

South Carolina Attorney General's Office
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
RussBarlow@SCAG.gov

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