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Jul 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No: 2022-001287

THE STATE,

Respondent,

vs.

EUGENE TURNER, JR.,

Appellant.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR A FIRST EXTENSION**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter were due to the Court on July 14, 2023. However, due to a calendaring error, counsel for the State failed to either request an extension or file its Initial Brief of Respondent and Designation of Matter on the date when it was due.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a)(2) SCACR, and Rule 209(a) SCACR, and permit the State to file a motion for a first extension of time within which to serve and file its Initial Brief and Designation of Matter out of time. 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.”). Due to work required in other cases pending before this Court and the South Carolina Supreme Court and the medical issue I am experiencing, I am unable to complete this Initial Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.


This motion for extension is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.


WHEREFORE, Respondent prays that the Court will relax the requirements of 208(a)(2) SCACR and 209(a) SCACR and permit the filing of this motion for a first extension for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

BY: 

 David Spencer
S. C. Bar No: 68571

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July 26, 2023

ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition To Relax Rule 208(a)(2) SCACR And 209(a) SCACR And Motion For A First Extension on Adam Blake McCoy, Esquire and William Logan Lewis, Esquire, counsel of record for the Appellant, by electronic mail to the address listed for each counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 26th day of July, 2023.


Anne A. Mueller
Legal Assistant

Office of Attorney General
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From: [Anne Mueller](#)
To: adammccoy97@gmail.com; lolewis24@gmail.com
Cc: [David Spencer](#); [Anne Mueller](#)
Subject: State v. Eugene Turner, Jr., 2022-001287
Date: Wednesday, July 26, 2023 4:15:00 PM
Attachments: [image001.png](#)
[Turner Eugene - 2022-001287 -Petition to Relax Rule and Motion for First Extension \(State's IBOR\) \(03345630xD2C78\).PDF](#)

Good afternoon.

Attached to this email is the State's Petition To Relax Rule 208(a)(2) SCACR and Rule 209(a) SCACR and Motion For A First Extension. We will be electronically filing our motion later this afternoon.

Sincerely,

Anne Mueller, Legal Assistant to Senior Assistant Attorney General David Spencer

ANNE A. MUELLER, Legal Assistant
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