

**RECEIVED**

**Jul 26 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From York County  
Honorable Judge Brian M. Gibbons, Circuit Court Judge

Appellate Case No: 2022-000579

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THE STATE,

Respondent,

vs.

HAROLD GENE WHITE, III,

Appellant.

---

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

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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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ATTORNEYS FOR RESPONDENT

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THE STATE,

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**PROOF OF SERVICE**

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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 Joanna K. Delany, Esquire, counsel of record for the Appellant, by electronic mail to the address listed for counsel in AIS.

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

  
\_\_\_\_\_  
Anne A. Mueller  
Legal Assistant

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

**From:** [Anne Mueller](#)  
**To:** ["jdelany@sccid.sc.gov"](mailto:jdelany@sccid.sc.gov)  
**Cc:** [Warren, Kaylynn](#); [David Spencer](#); [Anne Mueller](#)  
**Subject:** State v. Harold Gene White, III, 2022-000579  
**Date:** Wednesday, July 26, 2023 4:28:00 PM  
**Attachments:** [image001.png](#)  
[White Harold - 2022-000579 - Petition to Relax Rule and Motion for First Extension \(State's IBOR\) \(03345634xD2C78\).PDF](#)

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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 in the above matter.

We will be filing our motion electronically shortly..

Sincerely,

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

**ANNE A. MUELLER**, Legal Assistant  
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