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October 4, 2023

The Honorable Jenny Abbott Kitchings  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: Justin McGee v. Lindsay F. McGee  
Appellate Case No. 2023-001376  
Our File No. 079821/01501

Dear Ms. Kitchings:

This afternoon, we received a letter from the Clerk's Office indicating the Return to Petitioner's Amended Motion to Suppress was untimely filed. Because we believe the return was filed on the proper due date, we would like to confirm our understanding of the date upon which the Return was due and clarify whether a motion to allow late filing is still necessary.

On Friday, September 22, 2023, the Court issued an order in this matter stating the Return would be due "five days from the date of this order." Not including the intermediate Saturday and Sunday, we calculated the Return to be due on Friday, September 29. *See* Rule 263(a), SCACR ("In computing any period of time prescribed or allowed by . . . order of court, . . . the day of the act, event, or default after which the designated period of time begins to run is not to be included. . . . When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation."). The Return was electronically filed on Friday, September 29, at 8:28:10 p.m. *See* Rule 262(a)(3) ("[F]iling may be accomplished by: . . . (3) Filing the document by electronic means in a manner provided by order of the Supreme Court of South Carolina."); Supreme Court Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules ("When filed [by e-mail], a document transmitted and received by 11:59:59 p.m., Eastern Standard Time, shall be considered filed on that day.").

As a result, we believe the Return was properly filed by the date it was due, making a motion to allow late filing unnecessary. Should this calculation or understanding of the filing rules be incorrect, please let me know at your earliest convenience and we can file the requested motion to allow a late filing of the Return.

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Respectfully,

A handwritten signature in blue ink, reading "Matthew A. Abee". The signature is written in a cursive style with a large initial "M" and a distinct "A" and "Abee".

Matthew A. Abee

MAA:krs