

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

RECEIVED

Dec 21 2023

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On Petition for Writ of Certiorari to Richland County  
The Honorable D. Craig Brown, PCR Judge  
The Honorable G. Thomas Cooper, Jr., Circuit Judge

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S.C. SUPREME COURT

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Appellate Case No. 2023–00085

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Johnnie W. Gaskins, SCDC #313590,

Petitioner,

v.

State Of South Carolina,

Respondent.

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**MOTION FOR SECOND EXTENSION TO FILE RETURN TO  
PETITION FOR WRIT OF CERTIORARI AND MOTION TO FILE OUT OF TIME**

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COMES NOW, Respondent, by and through the undersigned counsel, making its motion to relax Rule 243(g), SCACR, and file Respondent's Return to Petition for Writ of Certiorari out of time and Respondent's second extension request, and would show unto this Court<sup>1</sup>:

I.

The Return to Petition for Writ of Certiorari in the above-captioned matter was due to be filed and served on December 20, 2023. However, due to a calendaring error, the Return to Petition for Writ of Certiorari was not filed on the above-mentioned due date. Respondent,

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<sup>1</sup> 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).

therefore, requests that the rules be relaxed to file a second thirty-day extension to prepare and submit the Return to Petition for Writ of Certiorari. 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 Petitioner and does not believe this request will result in any prejudice to Petitioner should it be granted.

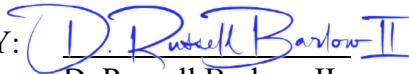
II.

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

Respectfully submitted,

ALAN WILSON  
Attorney General

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Assistant Attorney General

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December 21, 2023,

ATTORNEYS FOR RESPONDENT