

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

Mar 06 2024

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2023-001611

Nathaniel A. Hunter, #372378, Petitioner,

v.

State of South Carolina, Respondent.

**REQUEST FOR EXTENSION OF TIME
AND
RESPONSE TO RESPONDENT’S MOTION TO RELIEVE COUNSEL**

Request for Extension of Time

The Return to Petition for Writ of Certiorari in the above appeal is due to be served and filed today. However, this is to respectfully request a 30-day extension to serve and file this Return to Petition of Writ of Certiorari.

This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated by a heavy workload.

Response to Respondent’s Motion to Relieve Counsel

Counsel for Respondent was never served with the motion to relieve her as his attorney. SCACR 240(c)(1) requires all motions to include a certificate or affidavit reflecting the date of service upon all parties. Respondent’s certificate fails to show

proof of service upon the undersigned or upon the Attorney General. Therefore this motion has no been properly served and should not be considered by the court.

Furthermore, undersigned is informed and believes that she has no conflict of interest and can move forward with representation of Respondent. Inasmuch as Respondent is complaining of PCR counsel's performance and issues that were or were nor raised, this Court has ruled that it "...will not engage in an exploration of why the grounds were not raised [in a post-conviction relief matter], it is sufficient that they could have been raised, but were not." *See Aice v. State*, 305 S.C. 448 (1991)

Therefore based on the foregoing, counsel for Respondent requests a 30-day extension with which to file the Petition for a Writ Certiorari on this case and requests that the Respondent's pro se filed Motion to Relieve Counsel be denied and/or dismissed.

March 6, 2024



ASHLEY A. MCMAHAN, ESQUIRE

MCMAHAN LAW, LLC

PO Box 50536

Columbia, SC 29250

803-219-1110

ashley@mcmahanlawsc.com

SC Bar No. 71676

ATTORNEY FOR PETITIONER