

Mar 06 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

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 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 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



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ATTORNEY FOR PETITIONER

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2019-CP-32-04672

Nathaniel A. Hunter, #372378, Petitioner,

v.

State of South Carolina, Respondent.

PROOF OF SERVICE

I, Ashley A. McMahan, certify that I have served the within Request for Extension of Time and Response to Respondent's Motion to Relieve Counsel by email and by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Zachary W. Jones
Asst. Attorney General
zacharyjones@scag.gov

Nathaniel A. Hunter, #372378
2B-0126-B
Tyger River Correctional Institution
100-200 Prison Road
Enoree, SC 29335-9308

I further certify that all parties required by Rule to be served have been served.



March 6, 2024

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