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May 15 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition of Writ of Certiorari to Dorchester County
Honorable Robert J. Bonds, Circuit Court Judge
Appellate Case No. 2023-001432

TYRONE D. ELLISON,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION TO FILE EXTENSION REQUEST OUT OF TIME
AND
MOTION FOR FIRST EXTENSION OF TIME WITHIN WHICH TO SERVE AND FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

Based on a notification received from judicial staff earlier today, the Return to Petition for Writ of Certiorari in the above-referenced post-conviction relief appeal is overdue. However, due to an inadvertent oversight, counsel for the State was not aware of the due date and mistakenly failed to timely file the return.

II.

As a result of that unfortunate oversight, the State respectfully asks this Court to relax the requirements of Rule 243(g) of the South Carolina Appellate Court Rules and permit the State to

file a motion for a first extension of time within which to serve and file the Return to Petition for a Writ of Certiorari 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.”). The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to Petitioner and does not believe this request will result in any prejudice to Petitioner should it be granted. The undersigned has likewise communicated with counsel for Applicant, who has relayed she does not oppose a first extension.

III.

Additionally, pursuant to this Court’s March 18, 2009, order entitled “Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings,” the State moves for a **first** extension in the above-referenced post-conviction relief appeal. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals coupled with the State’s oversight, I have been unable to complete this return on time. This extension request is not intended for purposes of delay but rather to ensure the return is properly researched and prepared. The undersigned counsel has begun reviewing the matter and hopes to have the return completed in a timely fashion. I would therefore ask this Court to accept the State’s motion for an extension of time out of time and to grant an extension of time within which to serve and file the Return to Petition for Writ of Certiorari.

WHEREFORE, Respondent prays the Court relax the requirements of Rule 243(g), SCACR; accept the filing of the Motion for First Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari out of time; extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for thirty days from the date

such relief is granted; 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 Deputy Attorney General

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May 15, 2024