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May 21 2024
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Dorchester County
Honorable Heath P. Taylor, Circuit Court Judge

Appellate Case Tracking No. 2023-001231

TREVEE GETHERS,

Petitioner,

vs.

THE STATE,

Respondent.

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

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Return to Petition for Writ of Certiorari was due to be served and filed May 17, 2024. Due to a failure to calendar the due date, the undersigned asks this Court to accept this motion out of time.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a **second extension** in the above referenced appeal. Due to

work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this brief on time.

III.


This extension request is not intended for purposes of delay, but rather to ensure the Return is properly researched and prepared. I would therefore request a second extension of time within which to serve and file the Return to Petition for Writ of Certiorari.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion and extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for thirty (30) 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

J. BENJAMIN APLIN
Assistant Attorney General



J. Benjamin Aplin
Assistant Attorney General
S.C. Bar No. 8729

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ATTORNEYS FOR RESPONDENT

May 21, 2024

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May 24 2024

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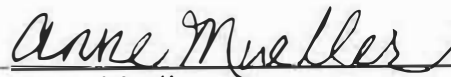
THE STATE,

Respondent.

CERTIFICATE OF SERVICE

I, Anne A. Mueller, certify that I have served the Motion For Second Extension Out Of Time Within Which To Serve And File Return to Petition for Writ of Certiorari by electronic mail to Dayne C. Phillips, Esquire, counsel of record for the Petitioner.

I further certify that all parties required by Rule to be served have been served this 21st day of May 2024.



Anne A. Mueller
Legal Assistant

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