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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

The Honorable Edgar W. Dickson

Appellate Case No. 2023-001318
Case No. 2018-CP-38-01339

Rufus Rivers and Merle Rivers, pro se Respondents,

v.

James Smith, Jr. Petitioner.

**PETITIONER’S RETURN IN OPPOSITION TO RESPONDENTS’
MOTION FOR EXTENSION OF TIME**

On September 12, 2024, pro so Respondents Rufus Rivers and Merle Rivers (“Respondents”) filed an unsigned Motion for Extension of Time to Reply to Petitioner James Smith Jr.’s (“Petitioner”) Reply Brief. Respondents request a 10-day extension of time to file their reply on the basis that “they are awaiting additional supporting documents.” For the reasons set forth herein below, this Court should deny Respondents’ Motion.

Petitioner filed his Petition for Writ of Certiorari with this Honorable Court on August 18, 2023. The deadline for responding to Petitioner’s Petition for Writ of Certiorari was due 30 days thereafter, on September 18, 2023. Rule 242(f), SCACR. Respondents did not file a response to Petitioner’s Petition for Writ of Certiorari.

On June 20, 2024, This Honorable Court granted Petitioner's Petition and directed the parties to brief the matter in accordance with Rule 242(i), SCACR. On July 19, 2024, Petitioner filed his Initial Brief. On August 26, 2024, Respondents filed their Brief entitled "Respondent's Brief in Opposition to Petition for Writ of Certiorari." On September 5, 2024, Petitioner filed his Reply Brief in support of his appeal. On September 12, 2024, Respondents filed the instant Motion.

Respondents request in the instant Motion to be given an "extension of time to reply to Petitioner's Reply to Respondent's Brief in Opposition to Petitioner's Petition for writ of certiorari." First, Respondents did not consult Petitioner's counsel before filing this Motion nor did they sign the Motion. Further, there is no automatic right to file a sur-reply in the South Carolina Rules of Appellate Procedure. Finally, Respondents obviously propose to use this sur-reply to add unidentified additional matter to this appeal. The Appendix was filed on July 19, 2024, and Respondents did not object to the contents of the Appendix.

For the above reasons, Petitioner opposes Respondents' Motion for Extension of Time, and requests that this Honorable Court proceed with consideration of Petitioner's case.

[Signature page to follow.]

Respectfully submitted,

s/Kathleen McDaniel

Kathleen McDaniel, Esq.(SC Bar No. 74826)

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September 17, 2024

Columbia, South Carolina

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PROOF OF SERVICE

I certify that the **RESPONSE IN OPPOSITION TO RESPONDENTS’ MOTION FOR EXTENSION TO SERVE AND FILE REPLY TO PETITIONER’S REPLY BRIEF** was served upon Respondents via electronic mail this 17th day of September 2024.

Rufus Rivers
Merle Rivers
Rivers788@gmail.com

PRO SE RESPONDENTS

s/Kathleen McDaniel
Kathleen McDaniel, Esq. (SC Bar No. 74826)
Counsel for Petitioner

Jason R. Williamson, CP, SCCP

From: Jason R. Williamson, CP, SCCP on behalf of Kathleen M. McDaniel (she/her)
Sent: Tuesday, September 17, 2024 10:14 AM
To: rrivers788@gmail.com
Cc: Sarah J.M. Cox (she/her); Jason R. Williamson, CP, SCCP; Kathleen M. McDaniel (she/her)
Subject: Rivers v. Smith - Petitioner's Return to Respondents' Motion for Extension of Time (App. C/A No.: 2023-000451)
Attachments: 2024-09-17 - Petitioner's Return in Opposition to Respondents' Motion for Extension of Time.pdf

Good morning,

Please find attached, Petitioner's Return to Respondents' Motion for Extension of Time.

My best,
Jason R. Williamson