

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Writ of Certiorari to the Court of Common Pleas
Appeal from Colleton County
Honorable William H. Seals, Jr., Circuit Court Judge
Appellate Case No. 2020-001106

MAURIO D. RIVERS,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION TO SERVE AND FILE
BRIEF OF RESPONDENT OUT OF TIME**

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

I.

The Brief of Respondent in the above-referenced post-conviction relief appeal was due to be served and filed yesterday on Thursday, October 24, 2024, and the undersigned counsel for the State fully intended to serve and file that brief on the date of the filing deadline. However, due to some unexpected issues and delays that arose yesterday, the undersigned counsel was unfortunately not able to complete the Brief of Respondent in time to file and serve it on the date it was due to be served and filed. Significantly though, the Brief of Respondent has now been completed, and the State is contemporaneously serving and filing that brief at the same time the State is filing this motion on today’s date, Friday, October 25, 2024.

II.

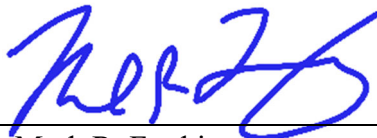
The State respectfully asks this Court to relax the requirements of Rule 243(j) of the South Carolina Appellate Court Rules and permit the State to file the Brief of Respondent in this post-conviction relief appeal out of time on the date directly following the date of the filing deadline. See Rule 263(b), 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 sincerely apologizes for any inconvenience this request has caused to the Court, the petitioner, and opposing counsel, and the undersigned counsel submits he does not believe this request will result in any prejudice to the petitioner should it be granted.

WHEREFORE, Respondent prays the Court relax the requirements of Rule 243(j) of the South Carolina Appellate Court Rules; permit Respondent to file and serve the Brief of Respondent one day out of time; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 

Mark R. Farthing
S.C. Bar Number 76901

October 25, 2024

RECEIVED

Oct 25 2024

SC Court of Appeals

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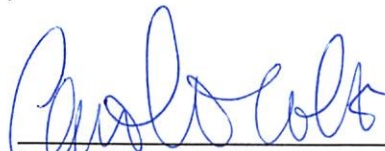
Respondent.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion to Serve and File Brief of Respondent Out of Time on Petitioner by sending an electronic copy via email to the address listed in AIS for the following individual:

Kathrine H. Hudgins, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

I further certify all parties required by Rule to be served have been served.
This 25th day of October, 2024.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General