

**RECEIVED**

**Jan 06 2025**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

On Petition of Writ of Certiorari to the Court of Appeals  
Appeal from Spartanburg County  
Honorable G. Thomas Cooper, Jr., Circuit Court Judge  
Opinion No. 6087 (S.C. Ct. App. filed Sept. 4, 2024)

APPELLATE CASE NO. 2024-001981

---

FRANCISCO R. RODRIGUEZ,

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:

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 was due to be served and filed on December 23, 2024. However, due to an inadvertent calendaring oversight, counsel for the State was not aware of the due date and mistakenly failed to file the return on December 23, 2024. As a result of that unfortunate oversight, the State respectfully asks this Court to relax the requirements of Rule 242(f) 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 the Petitioner and 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 242(f), SCACR and 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 and Respondent’s Return to Petition for Writ of Certiorari.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD ZELENKA  
Deputy Attorney General

BRYAN T. HALL  
Assistant Attorney General

By: Bryan Hall

S.C. Bar No. 106039  
Post Office Box 11549  
Columbia, S.C 29211  
(803) 734-3737

ATTORNEYS FOR RESPONDENT

January 6, 2025