

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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On Petition of Writ of Certiorari to Charleston County
Honorable Maite Murphy, Circuit Court Judge
Appellate Case No. 2024-001348

S.C. SUPREME COURT

ISHMEL J. LEMON,

PETITIONER,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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

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

I. Based on a notification received from the judicial department, the Return to Petition for Writ of Certiorari in the above-referenced post-conviction relief appeal was due to be served and filed on August 27, 2025. 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.

II. As a result of that 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 third 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 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.

III. Additionally, Respondent moves for a third extension. Due to work required in other cases pending before this Court, the South Carolina Court of Appeals, and the circuit court, coupled with the State’s oversight, I have been unable to complete this return on time. This extension request is not intended for delay but rather to ensure the return is properly prepared. I have consulted with opposing counsel, who does not oppose this request.

WHEREFORE, Respondent prays the Court relax the requirements of Rule 243(g), SCACR; accept the filing of the Motion for Third 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,

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September 8, 2025