

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

MAY 21 2014

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

S.C. Supreme Court

The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2011-203246

Jimmy Lee Duncan, Petitioner,

v.

State of South Carolina, Respondent.

**PETITION TO RELAX RULE 243(F)
AND REQUEST FOR EXTENSION**

COMES NOW, Respondent, above named, by and through the undersigned counsel, making its Petition to Relax Rule 243(f) and Request for Extension, and would show unto this Court:

I.

Respondent's Return to Petition for Writ of Certiorari in the above-captioned matter was due to be filed and served on May 19, 2014. Through inadvertence, the matter was improperly calendared for forty-five (45) days instead of thirty (30) days. Respondent requests Rule 243(f), SCACR be relaxed and an extension of thirty (30) days be granted in order to file the Return to Petition for Writ of Certiorari.

II.

WHEREFORE, it is respectfully requested that this petition be granted.


Respectfully submitted,

ALAN WILSON
Attorney General

ASHLEIGH R. WILSON
Assistant Attorney General
S.C. Bar # 100269

P.O. Box 11549
Columbia, S.C. 29211
(803) 734-3737

By:


Attorneys for Respondent

Columbia, South Carolina
May 21, 2014

Other counsel of record:

Robert M. Pachak, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2011-203246

Jimmy Lee Duncan, Petitioner,

v.


State of South Carolina, Respondent.

PROOF OF SERVICE

I, Karen C. Ratigan, certify that I have today served the within Petition to Relax Rule 243(f) and Request for Extension upon Petitioner by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Robert M. Pachak, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

I further certify that all parties required by Rule to be served have been served. This 21st day of May, 2014.


ASHLEIGH R. WILSON
S.C. Bar # 100269
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

May 21, 2014

RECEIVED

MAY 21 2014

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
Post Office Box 11330
Columbia SC 29211

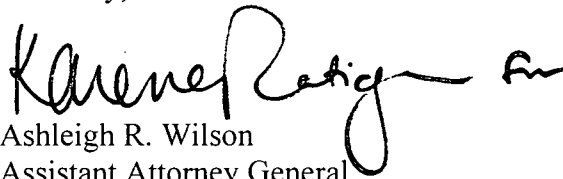
Re: Jimmy Lee Duncan v. State of South Carolina
Appellate Case No. 2011-203246

Dear Mr. Shearouse:

Enclosed is a Petition to Relax Rule 243(F) and Request for an Extension. I would respectfully request a 30-day extension in which to serve and file this Return.

This extension request is not intended for the purpose of delay, but is necessitated by my heavy workload.

Sincerely,



Ashleigh R. Wilson
Assistant Attorney General

ARW/arh

cc: Robert M. Pachak, Esquire