

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable G. Edward Welmaker, Circuit Court Judge

RECEIVED

JAN 05 2015

Appellate Case No. 2014-000407

S.C. Supreme Court

Darnell Hudson, Petitioner,

v.

State of South Carolina, Respondent.

**MOTION TO RELAX RULE 243(F)
AND CONSENT TO REMAND**

COMES NOW, Respondent, above named, by and through the undersigned counsel, making its Motion to Relax Rule 243(f) and Consent to Remand, 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 January 2, 2015. Through inadvertence, the matter was improperly calendared and the Return was not submitted.

Respondent, however, does not wish to submit a Return in this case. Rather, Respondent would ask this Court to relax Rule 243(f), SCACR in order to allow Respondent to consent to this Court vacating the order of dismissal and remanding the matter to circuit

court for the appointment of counsel and a hearing upon the pleadings originally filed in this case (Petitioner's application for post-conviction relief and Respondent's return and motion to dismiss).

II.

WHEREFORE, it is respectfully requested that this Motion to Relax Rule 243(f) and Consent to Remand be granted.

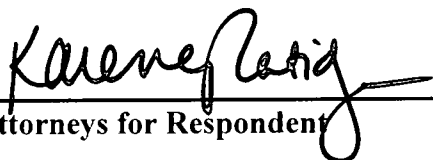
Respectfully submitted,

ALAN WILSON
Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General
S.C. Bar # 68331

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

By:


Attorneys for Respondent

January 5, 2015

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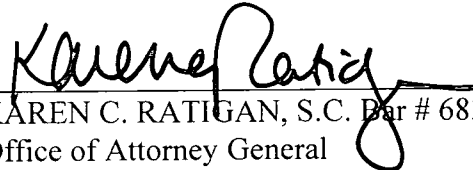
State of South Carolina, Respondent.

PROOF OF SERVICE

I, Karen C. Ratigan, certify that I have today served the within Motion to Relax Rule 243(f) and Consent to Remand 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 5th day of January, 2015.


KAREN C. RATIGAN, S.C. Bar # 68331
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ATTORNEY FOR RESPONDENT



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S.C. Supreme Court

ALAN WILSON
ATTORNEY GENERAL

January 5, 2015

VIA HAND-DELIVERY

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

Re: **Darnell Hudson v. State**
2014-000407

Dear Mr. Shearouse:

Enclosed please find for filing the original and six copies of the Motion to Relax Rule 243(f) and Consent to Remand in the above-captioned case. If there are any questions or comments, please do not hesitate to contact me.

Sincerely,

Karen C. Ratigan
Senior Assistant Deputy Attorney General

Enclosures

cc: Robert M. Pachak, Esquire