

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Barnwell County
Doyet A. Early, III, Circuit Court Judge

TUNZY A. SANDERS,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

Appellate Case No. 2014-001970

PETITION TO RELAX RULES 208(a)(2) & 209, SCACR,
AND REQUEST FOR EXTENSION

COMES NOW, Respondent, above named, by and through the undersigned counsel, making its Petition to Relax Rules 208(a)(2) and 209, SCACR, and Request for Extension, and would show unto this Court:

I. Opposing counsel appears to have served by mail the return to the State's motion to strike the petition for writ of certiorari, appendix, and supplemental appendix on May 27, 2016. Notation on the return indicates our office received the return on June 1, 2016. By undersigned counsel's calculations, the reply to the return would have been due five business days (and excluding weekends and holidays) after the date of service (May 27), on June 6, 2016. Rule 263(a), SCACR

II. Through mishandling within the office of the return and cover letter, this return was not brought to undersigned counsel's attention until mid-afternoon on Friday, June 17, 2016.

III. Undersigned counsel has prepared a reply submitted concomitantly with this motion. Undersigned counsel respectfully requests this Court to accept for filing the State's reply to Petitioner's return to the State's motion to strike. Opposing counsel, John H. Strom, Esquire, has indicated to undersigned counsel that he has no objection.

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

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General
Bar # 68571

BY:



DAVID SPENCER

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ATTORNEYS FOR RESPONDENT

June 20, 2016

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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The Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No: 2014-001970

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v.

THE STATE,

Respondent.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition to Relax Rules 208(a)(2) and 209, SCACR and Request Extension on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record John H. Strom, Esquire, S.C. 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 20th day of June, 2016.



Anne A. Mueller
Legal Assistant
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