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JUN 22 2016

**SC SUPREME COURT**

STATE OF SOUTH CAROLINA  
In The Supreme Court

CERTIORARI TO THE COURT OF APPEALS  
Appeal From Spartanburg County  
The Honorable Gary E. Clary, Trial Judge  
The Honorable Roger L. Couch, Post-Conviction Relief Judge

Opinion No. 5317 (S.C. Ct. App. filed May 13, 2015)

Appellate Case No. 2015-001553

Michael Gonzales,..... Petitioner,

v.

State of South Carolina,.....Respondent.

**PETITION TO RELAX RULES 242 AND 243, SCACR**

COMES NOW, Respondent, above named, by and through the undersigned counsel, making its Petition to Relax Rules 242(i), and 243(j), SCACR, and would show unto this Court:

I.

The Brief of Respondent in the above-captioned matter was due to be filed and served on June 20, 2016. Attorney for Respondent did not take over this case until after the Brief of Petitioner was filed, and, through inadvertence, requested an extension to file the Brief of Respondent, unaware that all available extensions were previously exhausted with the filing of the Return to the Petition for Writ of Certiorari. As a result, Respondent respectfully requests the rules be relaxed in order to file the Brief of Respondent out of time.

II.

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

Respectfully submitted,

ALAN WILSON  
Attorney General

ALICIA A. OLIVE  
Assistant Attorney General  
S.C. Bar # 102089

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

By:



**Attorneys for Respondent**

June 22 2016.

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MICHAEL GONZALES,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of **Motion to Relax** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

**Susan B. Hackett, Esquire**  
**SC Commission of Indigent Defense**  
**Appellate Defense**  
**Post Office Box 11589**  
**Columbia, SC 29211**

This 22<sup>ND</sup> day of June, 2016

  
ASHLEY HAWORTH  
LEGAL ASSISTANT