

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Williamsburg County
John C. Hayes, III, Circuit Court Judge
Appellate Case No. 2013-002391

RECEIVED

JUL 13 2016

SC SUPREME COURT

THE STATE,

Respondent,

vs.

JUSTIN MCBRIDE,

Petitioner

**AMENDED PETITION TO
RELAX TIMELINES
AND ACCEPT STATE'S
RETURN TO APPELLANT'S
MOTION TO BE RELIEVED
OUT OF TIME**

Respondent respectfully requests this Court to relax its timelines and accept the State's return to opposing counsel's motion to be relieved. Opposing counsel's motion was accompanied by a cover letter dated June 29 that erroneously indicated the case was State v. David Benjamin and it was not addressed to undersigned counsel, but to the Office of Attorney General. Respondent did not receive a copy of the certificate of service with this mailing, assuming one was submitted to this Court. The motion was received by the Office of the Attorney General on Friday, July 1 and forwarded to the attorney handling State v. Benjamin who is in a separate department. The motion was

forwarded to undersigned counsel's desk on July 6. Undersigned counsel was out of the office from July 5-8, and only discovered the motion upon returning to work on July 11. By Respondent's calculations, a return to the motion would be due on July 8, 2016.

Respondent moved to relax the timelines and made its return to opposing counsel's motion in a single pleading dated July 11. This Court has requested the petition to relax and return to opposing counsel's motion be separated into separate pleadings and Respondent seeks to satisfy this request herein. Respondent would respectfully request that this Court grant the petition to relax.

Respectfully Submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General
Bar #68571

BY:



DAVID SPENCER

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ATTORNEYS FOR RESPONDENT

July 13, 2016

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Honorable John C. Hayes, III, Circuit Court Judge
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THE STATE,

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Appellant.

CERTIFICATE OF SERVICE

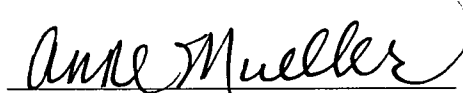
I, Anne Mueller., certify that I have served the Amended Petition to Relax Timelines and Accept State's Return to Motion to be Relieved by depositing one copy of the same in the United States mail, postage prepaid, addressed to each of Appellant's counsel of record:

Wendy J. Keefer, Esquire
1643B Savannah Hwy., Suite 226
Charleston, SC 29407

Adam Owensby, Esquire
P.O. Box 21043
Charleston, SC 29043

Joshua Preston Stokes, Esquire
145 King Street, Suite 407
Charleston, SC 29401

I further certify that all parties required by Rule to be served have been served.
This 13th day of July, 2016.



Anne A. Mueller
Legal Assistant

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ATTORNEY FOR RESPONDENT