

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Charleston County
Honorable Deadra L. Jefferson, Circuit Court Judge
Appellate Case No. 2016-001673

THE STATE,

Respondent,

vs.

GLYNNDEAVIN VON FOX,

Petitioner.

**MOTION TO FILE EXTENSION REQUEST OUT OF TIME
AND
MOTION FOR FIRST EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE RESPONSE TO PETITION
FOR WRIT OF CERTIORARI**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

In the case sub judice, Petitioner Glynndeavin von Fox filed an appeal from a pre-trial order for a competency to stand trial evaluation pursuant to State v. Blair issued by the Honorable Deadra L. Jefferson, circuit court judge. On June 17, 2016, the Court of Appeals dismissed Petitioner’s appeal as an improper interlocutory appeal. Thereafter, Petitioner petitioned for his appeal to be reinstated, and that petition was denied by the Court of Appeals on July 28, 2016.

II.

On August 10, 2016, Petitioner filed a Petition for a Writ of Certiorari with this Court. Accordingly, pursuant to Rule 242(f), SCACR, the State had thirty days in which to file a response to the Petition for a Writ of Certiorari, which meant the State's response was due to be served and filed by Monday, September 12, 2016. However, due to an inadvertent mistake in regard to the filing deadline for the State's response, the State unintentionally failed to file a timely response to Petitioner's Petition for a Writ of Certiorari.

III.

Pursuant to Rule 263, SCACR, the State respectfully asks this Court to relax the requirements of Rule 242(f), SCACR, and permit the State to file a motion for a first extension of time within which to serve and file a response to the Petition for a Writ of Certiorari out of time. See Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."). The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to the Petitioner and does not believe this request will result in any prejudice to the Petitioner should it be granted.

IV.

Additionally, pursuant to the July 16, 2014, order issued by this Court entitled RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, the State moves for a **first** extension in the above-referenced criminal appeal and asks for an additional ten days to prepare a response to Petitioner's Petition for a Writ of Certiorari. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this response on time. This extension

request is not intended for purposes of delay, but rather to ensure that the response is properly researched and prepared. I would therefore asks this Court to accept the State’s motion for an extension of time out of time and to grant an extension of time within which to serve and file a response to Petitioner’s Petition for a Writ of Certiorari.

WHEREFORE, Respondent prays that the Court relax the requirements of Rule 242(f), SCACR; accept the filing of the Motion for First Extension of Time Within Which to Serve and File Response to Petition for Writ of Certiorari out of time; extend the deadline for the service and filing of a response to Petitioner’s Petition for a Writ of Certiorari in this case for ten days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 
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September 14, 2016

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PROOF OF SERVICE

I, Keely Carter, certify that I have served the within Motion to File Extension Request Out of Time and Motion for First Extension of Time Within Which to Serve and File Response to Petition for Writ of Certiorari on Petitioner by sending two copies of the same to:

Glynndeavin von Fox
164 Market Street, Suite 117
Charleston, SC 29401

I further certify that all parties required by Rule to be served have been served.
This 14th day of September, 2016.



KEELY CARTER
Legal Assistant

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