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**NOV 17 2016**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas  
The Honorable R. Ferrell Cothran, Jr., Post-Conviction Relief Judge

Appellate Case No. 2016-001565

Carlos D. Smith,.....Respondent,

v.

State of South Carolina, ..... Petitioner.

**PETITION TO RELAX RULE  
AND REQUEST FOR EXTENSION**

COMES NOW, Petitioner, above named, by and through the undersigned counsel, making its  
Petition to Relax Rules 242 and/or 243 and Request for Extension, and would show unto this Court:

I.

Petitioner's Petition for Writ of Certiorari in the above-captioned matter was due to be filed  
and served on November 7, 2016. Attorney for Petitioner was out of office for a term of PCR Court  
in the Seventh Circuit November 7-9, 2016, and inadvertently failed to file a request for a first  
extension. Petitioner respectfully requests (1) the rules be relaxed in order to file the Return out of  
time and (2) an extension of thirty (30) days be granted in order to file the Petition for Writ of  
Certiorari.

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

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Columbia, S.C. 29211  
(803) 734-3737

By:



Attorneys for Petitioner

November 17, 2016

STATE OF SOUTH CAROLINA  
In The Supreme Court

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Appeal from Spartanburg  
The Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

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Appellate Case No. 2016-001565

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CARLOS D. SMITH,

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 **Petition to Relax Rule and Request Extension** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

**Robert M. Dudek, Esquire**  
**SC Commission of Indigent Defense**  
**Appellate Defense**  
**Post Office Box 11589**  
**Columbia, SC 29211**

This 17<sup>th</sup> day of November, 2016

  
\_\_\_\_\_  
ASHLEY HAWORTH  
LEGAL ASSISTANT