

RECEIVED

NOV 09 2017

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Court of Appeals' Order filed July 20, 2017
Supreme Court Case Tracking No. 2017-002119

Fred Gatewood, #289775, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

**MOTION BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
TO EXTEND THE DEADLINE BY WHICH IT MAY FILE ITS RETURN
TO THE PETITIONERS' PETITION FOR WRIT OF CERTIORARI**

On October 16, 2017, the undersigned counsel for the Respondent in the above-captioned matter, the South Carolina Department of Corrections ["SCDC"], received the Petition for Writ of Certiorari and Appendix submitted by Fred Gatewood ["Gatewood"]. According to the proof of service accompanying the Petition, Gatewood's counsel served the Petition and Appendix upon SCDC's undersigned counsel via United States Mail on October 13, 2017.

Consequentially, SCDC's Return to the Petition is, by operation of South Carolina Appellate Court Rule 242(f), due no later than Monday, November 13, 2017.

However, the undersigned counsel for SCDC respectfully moves the Court for an extension of the deadline by which SCDC may file its Return from Monday, November 13, 2017 to Tuesday, November 28, 2017.

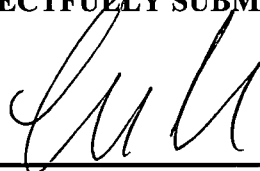
SCDC's undersigned counsel so moves in light of obligations he confronted in other cases pending in federal court, circuit court, the Administrative Law Court, and this Court during the week beginning Monday, November 6, 2017.

SCDC's undersigned counsel also so moves in light of the reality that Thanksgiving falls on Thursday, November 23, 2017, and, accordingly, the week beginning Monday, November 20, 2017 is shortened by the Thanksgiving holiday weekend.

SCDC's undersigned counsel communicated with counsel for Gatewood on Thursday, November 9, 2017 concerning the proposed extension of the deadline by which to file and serve SCDC's Return, and Gatewood's counsel does not object to the proposed extension.

Accordingly, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion and, by doing so, extend the deadline by which SCDC may file and serve its Return until Tuesday, November 28, 2017.

RESPECTFULLY SUBMITTED:



November 9, 2017

Lake E. Summers
Malone, Thompson, Summers & Ott LLC
339 Heyward Street, Suite 200
Columbia, South Carolina 29201
Office: (803) 254-3300
Fax: (803) 254-0309
E-mail: summers@mtsolvlawfirm.com

Counsel for the South Carolina
Department of Corrections

Counsel for the Respondent:
Douglas H. Westbrook, Esquire

RECEIVED

NOV 09 2017

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Court of Appeals' Order filed July 20, 2017
Supreme Court Case Tracking No. 2017-002119

Fred Gatewood, #289775, Petitioner,

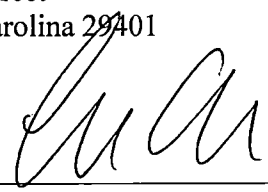
v.

South Carolina Department of Corrections, Respondent.

PROOF OF SERVICE

I certify that I have served the **MOTION BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS TO EXTEND THE DEADLINE BY WHICH IT MAY FILE ITS RETURN TO GATEWOOD'S PETITION FOR WRIT OF CERTIORARI** on the above-named Petitioner by mailing a copy of the same to HIS counsel of record at the following address:

Douglas H. Westbrook, Esquire
Attorney at Law
23 Broad Street
Charleston, South Carolina 29401



LAKE E. SUMMERS

November 9, 2017