

STATE OF SOUTH CAROLINA
In the Supreme Court

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MAY 14 2018

Appeal from Horry County
Court of Common Pleas
The Honorable Roger E. Henderson, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2017-001739

Michael A. Livingston,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO FILE RETURN OUT OF TIME
AND REQUEST FOR EXTENSION**

COMES NOW, Respondent, above named, by and through undersigned counsel, making its Motion to File Return Out of Time and Request for Extension, would show this Court:

1. Respondent's Return to Petition for Writ of Certiorari in the above-captioned matter was due to be filed and served on May 11, 2018. The undersigned intended to request an extension in this matter due to (1) other soon due appellate filings and (2) a court schedule which requires him to be in court for PCR hearings in Horry County the week of May 21-25, 2018. The considerable time needed to draft these other returns, as well as prepare for these hearings, was the basis for the intention to request an extension. Due to an internal calendaring error, the request for an extension was not timely filed.

2. The intended request for more time would be Respondent's first such request in this matter. The undersigned consulted with opposing counsel and understands Petitioner does not object to this motion.
3. In view of the foregoing, it is respectfully requested that this Court allow Respondent to file a Return to Petition for Writ of Certiorari out of time. Furthermore, Respondent requests the Court permit an extension of time in which to file said Return for a period up to and including June 11, 2018.

WHEREFORE, it is respectfully requested that this Court allow Respondent to file a Return to Petition for Writ of Certiorari out of time. Furthermore, Respondent requests the Court allow an extension of time in which to file said Return for a period up to and including June 11, 2018..

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
S.C. Bar No. 101260
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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May 14, 2018



ALAN WILSON
ATTORNEY GENERAL

May 14, 2018

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

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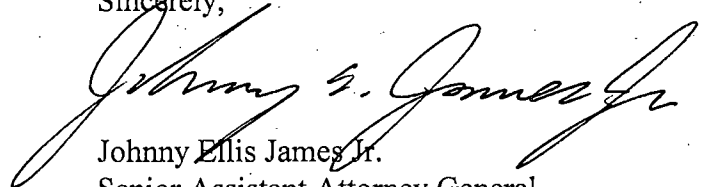
S.C. SUPREME COURT

Re: Michael A. Livingston v. State of South Carolina
Appellate Case No. 2017-001739
Lower Court Case No. 2016-CP-26-1750

Dear Mr. Shearouse:

Attached are the original and six (6) copies of the **Motion to file Return Out of Time and Request for Extension**, in the above referenced case for filing in your office.

Sincerely,



Johnny Ellis James Jr.
Senior Assistant Attorney General
SC Bar #101260

JEJ/jacc

cc: Taylor D. Gilliam, Esquire