

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
In the Court of General Sessions

R. Keith Kelly, Circuit Court Judge

Appellate Case No.: 2015-000517
2018-UP-147

The State of South Carolina,

Respondent,

v.

Courtney Ray Mitchell,

Petitioner.

**MOTION TO RELAX TIME FOR FILING
PETITION FOR CERTIORARI**

Petitioner respectfully moves this Honorable Court to allow Petitioner to file his Petition for Certiorari. In support of this motion, Petitioner shows the following:

- 1) The Court of Appeals rendered its opinion and judgment in the State of South Carolina v. Courtney Ray Mitchell, Appellate Case No. 2015-000517 on April 11, 2018.
- 2) Petitioner thereafter petitioned for rehearing of the abovementioned case on April 30, 2018.
- 3) Petitioner anticipated a Return from the Respondent.
- 4) On July 3, 2018, after the 30-day prescribed period for the filing of a Return has elapsed, Petitioner verified the status of the case online in the South Carolina Appellate Case Management System.

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S.C. SUPREME COURT

- 5) Upon checking, Petitioner found that his Petition for rehearing was denied on May 25, 2018.
- 6) Petitioner and his counsel did not receive a written copy of the said denial.
- 7) Under Rule 242 (c) of South Carolina Appellate Rules Procedure, Petitioner may file a certiorari to the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals.
- 8) The thirty-day period to file for petition for certiorari has elapsed.

Therefore, Petitioner prays that this Honorable Court grant this motion to relax the time for filing a Petition for Certiorari and allow Petitioner to file his Certiorari considering that he did not receive a written copy of the denial of the petition for rehearing. Counsel for Petitioner has conferred with the Office of Attorney General, who did not object to this request. This motion is not filed for the purpose of delay, and no party will be prejudiced by the granting of this action.

Respectfully submitted by



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attorneydonaldsmith@gmail.com
Attorney for Petitioner

July 3, 2018

FORM 7
PROOF OF SERVICE

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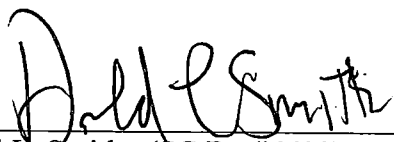
Courtney Ray Mitchell,

Petitioner.

PROOF OF SERVICE

I certify that I have served copies of Petitioner's Motion to Relax Time for Filing Petition for Certiorari and Proof of Service of same, upon The Honorable Daniel Shearouse, Clerk of Court South Carolina Supreme Court, PO Box 11330, Columbia SC 29211, Mr. Alan McCrory Wilson, Attorney General and Ms. Jennifer Ellis Roberts, Assistant Attorney General, at the Office of the Attorney General, located in PO Box 11549 Columbia SC 29211, and Mr. William Walter Wilkins, III, Solicitor, Thirteenth Judicial Circuit, at 305 East North Street, Suite 325, Greenville, SC 29601, by depositing a copy in the United States Mail, postage prepaid, on July 3, 2018 to the addresses listed above.

July 3, 2018


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FORM 8
LETTER TO THE SUPREME COURT CLERK OF COURT
FILING MOTION TO RELAX THE TIME FOR FILING
PETITION FOR CERTIORARI

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The Honorable Daniel Shearouse
Clerk of Court South Carolina Supreme Court
Post Office Box 11330
Columbia SC 29211

S.C. SUPREME COURT

RE: The State v. Courtney Ray Mitchell
Appellate Case No. 2015-000517
2018-UP-147

Dear Mr. Shearouse:

Please find enclosed the following materials for filing in the above-referenced Appellate matter:

- (1) One (1) original and six (6) copies of Petitioner's Motion to Relax the Time for Filing Petition for Certiorari;
- (2) A check amounting to twenty-five (\$25.00) as motion fee; and
- (2) Proof of Service for same.

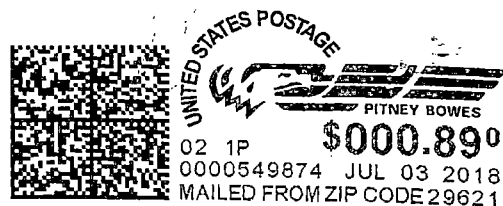
Sincerely,



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cc: Mr. Alan McCrory Wilson, Attorney General
Ms. Jennifer Ellis Roberts, Assistant Attorney General
Mr. William W. Wilkins, Solicitor, Thirteenth Judicial Circuit

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The Honorable Daniel Shearouse
Clerk of Court South Carolina Supreme Court
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