

STATE OF SOUTH CAROLINA
In The Supreme Court

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JUL 31 2018

S.C. SUPREME COURT

Certiorari to Oconee County

The Honorable Letitia H. Verdin, Circuit Court Judge

Appellate Case No. 2017-000159

Michael Lamar Couch,.....Petitioner,

v.

State of South Carolina,Respondent.

**MOTION TO RELAX RULE 243(g), SCACR, AND
FILE RESPONDENT’S RETURN TO PETITION FOR WRIT OF
CERTIORARI OUT OF TIME**

Respondent, by and through the undersigned counsel, making its Motion to Relax Rule 243(g) and Request for Extension, would show unto this Court:

I.

Respondent’s Return to Petition for Writ of Certiorari was due to be filed and served on July 25, 2018. However, the due date for this matter was inadvertently calendared for forty-five days after receipt of the Petition instead of thirty days as directed by this Court’s May 24, 2018 Order. Respondent therefore requests the rules be relaxed in order to file a thirty-day extension in which to prepare and submit its Return to Petition for Writ of Certiorari. 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.”). This is Respondent’s first extension request in this case.

The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to Petitioner and does not believe this request will result in any prejudice to Petitioner should it be granted. Counsel for Respondent has consulted with counsel for Petitioner, who consents to the request. See Attachment 1.

II.

WHEREFORE, Respondent prays that this Court relax the requirements of Rule 243(g), SCACR; permit Respondent to file a request for a thirty-day extension out of time; and for such other and further relief as the Court may deem just and proper.

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

KELLY OPPENHEIMER
Assistant Attorney General
S.C. Bar No. 103245

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

By:  for RO
ATTORNEYS FOR PETITIONER

July 31, 2018

EXHIBIT 1

Lindsey McCallister

From: Gilliam, Taylor <tgilliam@sccid.sc.gov>
Sent: Tuesday, July 31, 2018 11:27 AM
To: Lindsey McCallister
Cc: Kelly Oppenheimer; Flynn, Sean
Subject: RE: Michael Couch - Motion to file RPWC out of time

Yes, I consent.

-Taylor

From: Lindsey McCallister [mailto:LMcCallister@scag.gov]
Sent: Tuesday, July 31, 2018 11:25 AM
To: Gilliam, Taylor <tgilliam@sccid.sc.gov>
Cc: Kelly Oppenheimer <KOppenheimer@scag.gov>
Subject: Michael Couch - Motion to file RPWC out of time

Hi Taylor,

Attached is the State's motion to file our RPWC out of time and request for a 30-day extension, as discussed. Will you consent to the motion? Thanks!

Lindsey



Lindsey A. McCallister
Assistant Attorney General

S.C. Attorney General's Office
Rembert C. Dennis Building
Post Office Box 11549
Columbia, South Carolina 29211

Office: (803) 734-8357
lmccallister@scag.gov

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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Oconee County
Court of Common Pleas
The Honorable Letitia H. Verdin, Circuit Court Judge

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S.C. SUPREME COURT

MICHAEL LAMAR COUCH,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion to Relax Rule 243(g), SCAR, and File Respondent's Return to Petition for Writ of Certiorari Out of Time.**, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Taylor D. Gilliam, Esquire
South Carolina Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211

This 31st day of July, 2018


CAMILLE HENRY
LEGAL ASSISTANT



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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

July 31, 2018

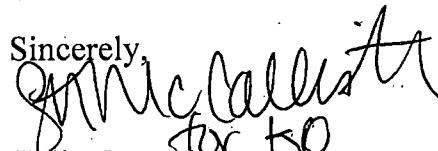
The Honorable Daniel E. Shearouse
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Re: Michael Lamar Couch v. State of South Carolina
Appellate Case No. 2017-000159
Lower Court Case No. 2014-CP-32-0698

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the **Motion to Relax Rule 243(g), SCAR, and File Respondent's Return to Petition for Writ of Certiorari Out of Time.**

Sincerely,


for KO
Kelly Oppenheimer
Assistant Attorney General
S.C Bar Number. 103245

KO/ch

cc: Taylor D. Gilliam, Esquire