

STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

CERTIORARI TO CHARLESTON COUNTY

The Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No.: 2018-000329

Darryl Drayton,

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**

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

I.

Respondent's Return to Petition for Writ of Certiorari in the above-captioned matter was due to be filed and served on October 31, 2018. However, the due date for this matter was inadvertently left off the calendar. Respondent therefore requests that 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 second 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.

II.

WHEREFORE, Respondent respectfully asks 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.

Respectfully submitted,

ALAN WILSON
Attorney General

BENJAMIN H. LIMBAUGH
Assistant Attorney General
S.C. Bar # 103334

P.O. Box 11549
Columbia, S.C. 29211
(803) 734-3737

By: 
ATTORNEYS FOR RESPONDENT

November 1, 2018

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO CHARLESTON COUNTY
Court of Common Pleas

The Honorable Michael G. Nettles, Circuit Court Judge

Circuit Court Case No: 2016-CP-10-2633
Appellate Case No.: 2018-000329

DARYL DRAYTON,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion to Relax Rule 243(g), SCACR, and File Respondent's Return to Petition for Writ of Certiorari Out of Time** has been served upon the applicant by placing one copy in the interagency mail, hand delivered, addressed to:

**Victor R. Seeger, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211-1589**

This 1st day of November, 2018.



Jennifer A. Jennison
Legal Assistant for Petitioner



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S.C. SUPREME COURT
PCB DIVISION: 803.734.3737
PCB FACSIMILE: 803.734.4113

ALAN WILSON
ATTORNEY GENERAL

November 1, 2018

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

**RE: Darryl Drayton v. State of South Carolina
Appellate Case No.: 2018-000329**

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the **Motion to Relax Rule 243(g), SCACR, and File Respondent's Return to Petition for Writ of Certiorari Out of Time**, in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this return today.

Sincerely,

Benjamin H. Limbaugh
Assistant Attorney General

BHL/jaj
Enclosures

cc: Victor R. Seeger, Esquire (w/enclosure)