

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal From Charleston County  
Honorable J. C. Nicholson, Jr., Circuit Court Judge

Appellate Case No: 2019-000029

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THE STATE,

Petitioner,

vs.

DAVID ALAN WHITE,

Respondent.

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**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR, MOTION  
FOR AN EXTENSION, AND MOTION TO ACCEPT THE REPLY TO RETURN TO  
PETITION FOR WRIT OF CERTIORARI**

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Petitioner, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Reply to the Return to the Petition for Writ of Certiorari was due to the Court on March 14, 2019. However, due to a calendaring error the Reply was calendared for one day later, on March 15, 2019, and counsel for the State failed to file its Reply on time.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a)(2) SCACR, and Rule 209(a) SCACR, and permit the State to file a motion for an extension of time within which to serve and file its Reply to Return to the Petition for Writ of Certiorari out of time. 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.”). Due to a calendaring error, the Reply to the Return to the Petition for Writ of Certiorari was not filed on March 14, 2019; however the Reply is ready for filing and service at this time. I would therefore request an extension of time within which to serve and file the State’s Reply to the Return to the Petition for Writ of Certiorari and to accept the Reply to Return to Petition for Writ of Certiorari be filed contemporaneously with this motion.

III.

This motion for extension is not intended for purposes of delay, but rather due to a calendaring error.

WHEREFORE, Respondent prays that the Court will relax the requirements of 208(a)(2) SCACR and 209(a) SCACR and permit the filing of this motion for an extension, and to accept the State’s Reply to Return to Petition for Writ of Certiorari in this case; and for such other relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Senior Assistant Attorney General

BY: \_\_\_\_\_

David Spencer  
S.C. Bar No: 68571

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ATTORNEYS FOR PETITIONER

March 15, 2019

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal From Charleston County  
Hónorable J. C. Nicholson, Jr., Circuit Court Judge

Appellate Case No: 2019-000029

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THE STATE,

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vs.

DAVID ALAN WHITE,

Respondent.

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**PROOF OF SERVICE**

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I, Anne Mueller, certify that I have served the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR and Motion for Third Extension on Respondent by delivering two copies of the same addressed to his attorney of record, Wanda H. Carter, Esquire, South Carolina Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211.

I further certify that all parties required by Rule to be served have been served.

This 15<sup>th</sup> day of March, 2019.



Anne A. Mueller  
Legal Assistant

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal From Anderson County  
The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No: 2017-002204  
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THE STATE,

Respondent,

v.


PHILLIP WESLEY WALKER,

Appellant.

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**PROOF OF SERVICE**  
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I, Anne Mueller, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, E. Charles Grose, Jr., Esquire, Grose Law Firm, 404 Main St., Greenwood, SC 29646, .

I further certify that all parties required by Rule to be served have been served.  
This 15<sup>th</sup> day of March, 2019.

  
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Anne A. Mueller  
Legal Assistant

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