

STATE OF SOUTH CAROLINA  
In The Supreme Court

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**RECEIVED**

JUL 18 2019

CERTIORARI TO MARION COUNTY

S.C. SUPREME COURT

The Honorable Michael G. Nettles, Circuit Court Judge

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Appellate Case No.: 2018-001826

Daniel Owens, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

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**MOTION TO RELAX RULE 243(g), SCACR, AND  
REQUEST FOR EXTENSION OUT OF TIME**

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

**I. REQUEST FOR EXTENSION OUT OF TIME**

Respondent's Return to Petition for Writ of Certiorari in the above-captioned post-conviction relief appeal was due to be filed and served on July 12, 2019. However, due to a clerical error, the due date for this Return was inadvertently left off the undersigned's calendar. Respondent intended to request a first extension of thirty days to file this Return based on a heavy workload. Due to this clerical error, Respondent neglected to file an extension with this Court on July 12, 2019.

Accordingly, Respondent requests this Court relax the rules in order to file, out of time, a request for 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 Rules 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. Counsel for Petitioner has graciously consented to this motion.

The undersigned counsel apologizes for any inconvenience this request has caused the Court and Petitioner. However, Respondent does not believe this request will result in any prejudice to Petitioner should it be granted.

## II. PRAYER FOR RELIEF

WHEREFORE, Respondent respectfully asks this Court to relax the requirements of Rule 243(g), SCACR, and permit Respondent to file a request for a thirty-day extension out of time to file the Return to the Petition for Writ of Certiorari.

Respectfully submitted,

ALAN WILSON  
Attorney General

LINDSEY A. MCCALLISTER  
Assistant Attorney General  
S.C. Bar #79054

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

By: 

ATTORNEYS FOR RESPONDENT

July 18, 2019

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
In The Supreme Court

CERTIORARI TO MARION COUNTY  
Court of Common Pleas

The Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No.: 2018-001826

DANIEL OWENS, JR.,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

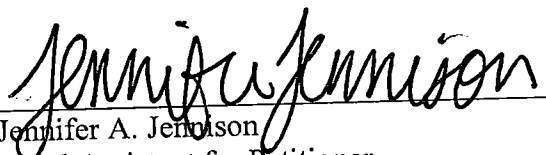
Respondent.

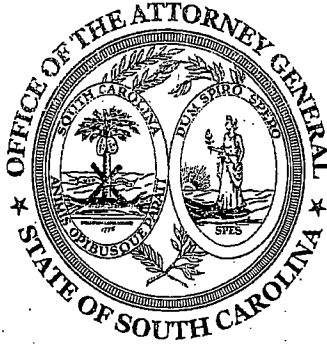
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion to Relax Rule 243(g), SCACR, and Request for Extension Out of Time** has been served upon the applicant by placing two copies in the interagency mailbox, addressed to:

Joanna K. Delany, Esquire  
S.C. Commission on Indigent Defense  
PO Box 11589  
Columbia, SC 29211-1589

This 18<sup>th</sup> day of July, 2018.

  
Jennifer A. Jenkinson  
Legal Assistant for Petitioner



ALAN WILSON  
ATTORNEY GENERAL

July 18, 2019

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JUL 18 2019

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

S.C. SUPREME COURT

**RE: Daniel Owens v. State of South Carolina  
Appellate Case No.: 2018-001826**

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the Motion to Relax Rule 243(g), SCACR, and Request for Extension Out of Time, in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this motion today.

Sincerely,

Lindsey A. McCallister  
Assistant Attorney General

LAM/jaj  
Enclosures

cc: Joanna K. Delany, Esquire (w/enclosure)