

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO MARION COUNTY

The Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No.: 2018-001826

Daniel Owens, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

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

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 August 12, 2019. However, the undersigned has been out of state due to a family emergency for the past two and a half weeks and did not return to work until August 14, 2019. Respondent intended to request a second extension of thirty days to file this Return based on a heavy workload. Due to the absence, Respondent neglected to file an extension with this Court on August 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 second 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

August 16, 2019

By: 
ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
In The Supreme Court

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AUG 16 2019

CERTIORARI TO MARION COUNTY
Court of Common Pleas

S.C. SUPREME COURT

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 16th day of August, 2018.



Jennifer A. Jennison
Legal Assistant for Petitioner



ALAN WILSON
ATTORNEY GENERAL

August 16, 2019

RECEIVED

AUG 16 2019

S.C. SUPREME COURT

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

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-referenced post-conviction relief appeal for filing. 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)