

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Appeal From Orangeburg County
Honorable Edgar W. Dickson, Circuit Court Judge

NOV 14 2019

Appellate Case No: 2019-001149

S.C. SUPREME COURT

SHIREEN NICOLE SIMMONS,

Appellant,

vs.

THE STATE,

Respondent.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR A FIRST EXTENSION**

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

I.

The Initial Brief of Respondent and Designation of Matter were due to the Court on November 8, 2019. However, due to a calendaring error, counsel for the State failed to file its Initial Brief of Respondent and Designation of Matter on November 8, 2019.

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 a first extension of time within which to serve and file its Initial Brief and Designation of Matter 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 work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Initial Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This motion for extension is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.


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 a first extension for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case; and for such other and further 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 RESPONDENT

November 14, 2019

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PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR and Motion for First Extension on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to her attorney of record, Jason Scott Luck, Esquire, Garrett Law Offices, LLC, 1075 E. Montague Avenue, North Charleston, SC 29405.

I further certify that all parties required by Rule to be served have been served.
This 14th day of November, 2019.



Anne A. Mueller
Legal Assistant

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