

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO RICHLAND COUNTY

J. Durham Cole, Circuit Court Judge

Appellate Case No.: 2019-000347

RECEIVED

JAN 31 2020

S.C. SUPREME COURT

Jeff Chestnut,

Petitioner,

v.

State of South Carolina,

Respondent.

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

Respondent, by and through undersigned counsel, moves to relax Rule 243(g), SCACR, and requests an extension out of time, would show this Court:

I. REQUEST FOR EXTENSION OUT OF TIME

Respondent's return to petition for a writ of certiorari in the above-captioned post-conviction relief appeal was due to be filed and served on January 27, 2020. However, due to a clerical error, the due date for this return was inadvertently left off the undersigned's calendar. Additionally, undersigned counsel was out of the office in court when the return was due. Respondent intended to request a second thirty day extension to file this return based on a heavy

workload. Due to this clerical error and undersigned counsel's absence from the office, Respondent neglected to file an extension with this Court on January 27, 2020.

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 a 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.

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 a writ of certiorari.

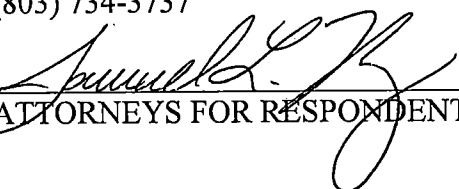
Respectfully submitted,

ALAN WILSON
Attorney General

SAMUEL L. KEY
Assistant Attorney General
S.C. Bar #103206

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

By:


ATTORNEYS FOR RESPONDENT

January 31, 2020

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JAN 31 2020

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas
J. Durham Cole, Circuit Court Judge

Appellate Case No. 2019-000347

Jeff Chestnut,

Petitioner,

v.

State of South Carolina,

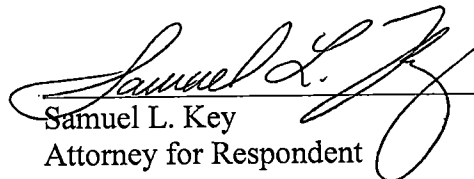
Respondent.

CERTIFICATE OF SERVICE

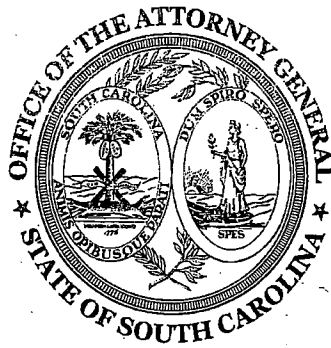
The undersigned hereby certifies that a true copy of the **Motion to Relax Rule 243(g), SCACR, and Request for Extension Out of Time** has been served upon the applicant by placing one copy in the United States Mail, addressed to:

Taylor D. Gilliam, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29201

This 31st day of January, 2020.



Samuel L. Key
Attorney for Respondent



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

JAN 31 2020

S.C. SUPREME COURT

January 31, 2020

The Honorable Daniel E. Shearhouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Jeff Chestnut v. State
2019-000347

Dear Mr. Shearhouse:

Enclosed for filing in your office is an original and six (6) copies of Respondent's Motion to Relax Rule 243(g), SCACR, and Request for Extension Out of Time, together with the Certificate of Service.

Thank you for your assistance in this matter.

Sincerely,

Samuel L. Key
Assistant Attorney General
Bar No: 103206

Enclosures

cc: Taylor Davis Gilliam, Esq.
Trisha Allen, Victim Advocacy Division