

STATE OF SOUTH CAROLINA
In The Court of Appeals

CERTIORARI TO GREENWOOD COUNTY

The Honorable R. Scott Sprouse, Circuit Court Judge

Appellate Case No.: 2018-000052

RECEIVED
FEB 13 2020
SC Court of Appeals

David Scott Mooney,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO RELAX RULE 243(g), SCACR, AND
FILE RESPONDENT'S RETURN TO PETITION FOR WRIT OF
CERTIORARI OUT OF TIME**

COMES NOW, Respondent, above named, by and through the undersigned counsel, making its Petition to Relax Rule 243(g) and Request for Extension, and would show unto this Court:

I.

Respondent's Return to Petition for Writ of Certiorari in the above-captioned matter was due to be filed and served on February 5, 2020. However, the due date for this matter was inadvertently miscalendared. Respondent therefore requests that the rules be relaxed in order to file 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 Rule 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.

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

II.

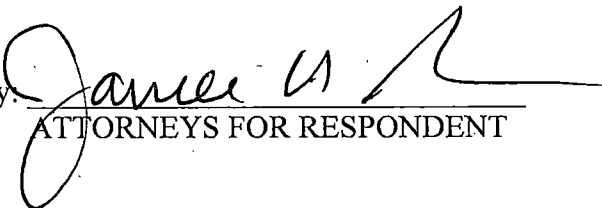
WHEREFORE, Respondent respectfully asks that this Court relax the requirements of Rule 243(g), SCACR; permit Respondent to file a request for a thirty-day extension out of time; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

JANELL H. GREGORY
Assistant Attorney General
S.C. Bar # 103176

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

By: 
ATTORNEYS FOR RESPONDENT

February 13, 2020

STATE OF SOUTH CAROLINA
In the Court of Appeals

Certiorari to Greenwood County
Court of Common Pleas
The Honorable R. Scott Sprouse, Circuit Court Judge

Appellate Case No: 2018-000052

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DAVID SCOTT MOONEY,

PETITIONER,

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THE STATE OF SOUTH CAROLINA,

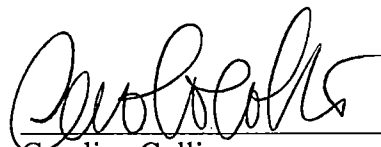
RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Motion to Relax Rule 243(g), SCACR, and File Respondent's Return to Petition for Writ of Certiorari Out of Time, has been served upon opposing counsel by delivering two (2) copies:

Jessica M. Saxon, Esquire
South Carolina Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211

This 13th day of February, 2020



Caroline Collins
Administrative Coordinator



ALAN WILSON
ATTORNEY GENERAL

February 13, 2020

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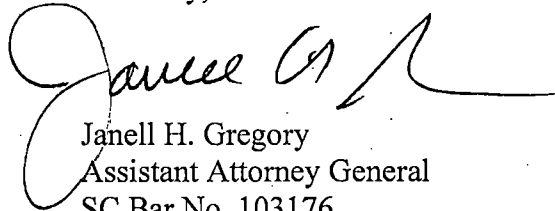
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: David Scott Mooney v. State of South Carolina
Appellate Case No. 2018-000052
Lower Court Case No. 2016-CP-24-1732

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the **Motion to Relax Rule 243(g), SCACR, and File Respondent's Return to Petition for Writ of Certiorari Out of Time** in the above mentioned case.

Sincerely,



Janell H. Gregory
Assistant Attorney General
SC Bar No. 103176

JJH/cc

cc: Jessica M. Saxon, Esquire