

STATE OF SOUTH CAROLINA
In The Supreme Court

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May 20 2020

CERTIORARI TO FLORENCE COUNTY

S.C. SUPREME COURT

The Honorable George M. McFaddin, Post-Conviction Relief Judge

Appellate Case No.: 2019-000813

David G. Johnson,

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 May 15, 2020. However, due to a clerical error, the due date for this Return was inadvertently left off the undersigned's calendar. Counsel for Respondent intended to request a third extension of thirty days to file this Return

because she is currently out of the office on maternity leave. Due to this clerical error, Respondent neglected to file an extension with this Court on May 15, 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 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 third 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,

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By: _____s/ Lindsey A. McCallister_____
ATTORNEYS FOR RESPONDENT

I concur extraordinary circumstances have been shown:

_____/s/ Megan Harrigan Jameson_____
MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General