

STATE OF SOUTH CAROLINA  
In The Supreme Court

---

**RECEIVED**

**Jun 10 2020**

**S.C. SUPREME COURT**

CERTIORARI TO RICHLAND COUNTY

The Honorable Kristi F. Curtis, Post-Conviction Relief Judge

---

Appellate Case No.: 2019-001677

---

Michael Orlando Brown,

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 June 8, 2020. However, through inadvertence, Counsel for Respondent neglected to file the extension request timely. Counsel for Respondent intended to request a first extension of thirty days to file this Return because she is currently out of the office on maternity leave.

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 first 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 Deputy Attorney General  
S.C. Bar #79054

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

By: \_\_\_\_\_s/ Lindsey A. McCallister\_\_\_\_\_  
ATTORNEYS FOR RESPONDENT