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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO ORANGEBURG COUNTY
Court Of Common Pleas

The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No.: 2019-000812

Leroy Glover, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO RELAX RULE 243(g), SCACR, AND
FILE RESPONDENT'S FOURTH EXTENSION REQUEST OUT OF TIME**

COMES NOW, Respondent, by and through the undersigned counsel, making its motion to Relax Rule 243(g) and Request for Extension, and would show unto this Court¹:

I.

Respondent's Return to Petition for Writ of Certiorari and Brief of Respondent Pursuant to White in the above-captioned post-conviction relief appeal matter was due to be filed and served

¹ In compliance with: *In Re: Extensions in Criminal and Post-Conviction Relief Cases*, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

on June 15, 2020. However, Respondent's return and brief were not filed on this date, nor was an extension request that Respondent intended to request due to heavy work load and recent assumption of this case. This was due to an oversight. 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 and Brief of Respondent Pursuant to White. 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 fourth extension request in this case. In support of the request, undersigned counsel would respectfully show the Court:

1. The Return to Petition for Writ of Certiorari and Brief of Respondent Pursuant to White is due to be filed with the Court on June 15, 2020. The Court has granted Respondent three previous extensions.
2. This request is not intended for the purposes of delay; rather, it is due to undersigned counsel assuming representation of the matter and undersigned counsel's extraordinarily heavy workload at present.

This extension request is not intended for purposes of delay, but rather to ensure that the Return and Brief are properly researched and prepared. The undersigned is currently working on the Return and Brief and hopes to have both completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return and Brief. THEREFORE, undersigned counsel for Respondent respectfully requests a fourth thirty-day extension until Wednesday, July 15, 2020, in which to complete and file the Return to Petition for Writ of Certiorari and Brief of Respondent pursuant to White in this case based upon the above extraordinary circumstances. Counsel for Petitioner consents to this request by email.

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.

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,

s/ Benjamin Limbaugh
Benjamin Limbaugh
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Attorney for Respondent

**We concur that extraordinary circumstances
have been shown**

S/Megan Harrigan Jameson
MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

s/Donald J. Zelenka
DONALD J. ZELENKA
Deputy Attorney General of the Criminal Division

This 19th day of June, 2020.