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Jul 30 2020
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

CERTIORARI TO SPARTANBURG COUNTY
Court Of Common Pleas

The Honorable Edward W. Miller, Circuit Court Judge

Appellate Case No.: 2017-002116

Michael A. Rogers,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO RELAX RULE 243(G), SCACR, AND FILE RESPONDENT'S BRIEF OF
RESPONDENT OUT OF TIME**

NOW COMES, 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 Brief of Respondent in the above-captioned matter was due to be filed and served on July 29, 2020. However, Respondent inadvertently missed deadline. Respondent therefore requests that the rules be relaxed in order to file a thirty day extension in which to

prepare and submit its Brief. 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 second 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.

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

Chelsey F. Marto
Assistant Attorney General
S.C. Bar # 104191

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

By: /s Chelsey F. Marto
ATTORNEYS FOR RESPONDENT

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MICHAEL A. ROGERS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion to Relax Rule 243(G), SCACR, and File Respondent's Brief of Respondent Out of Time has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Taylor D. Gilliam, Esquire
tgilliam@sccid.sc.gov

s/ Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ChelseyMarto@scag.gov

This 30th day of July, 2020.

From: Chelsey Marto
To: [Gilliam, Taylor](#)
Cc: [Eva Cook](#); "[Allgire, Mary](#)"
Subject: Rogers, Michael - Motion to Relax Time and Extension Request (2017-002116)
Date: Thursday, July 30, 2020 1:17:00 PM
Attachments: [ROGERS Michael - Motion to Relax Time, CL, COS FINAL \(02339119xD2C78\).PDF](#)

Hello,

Attached please find the Motion to relax time and letter requesting extension in Michael Roger's case (2017-002116), to be filed with the court momentarily.

Best,
Chelsey Marto

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SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

July 30, 2020

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SC Court of Appeals

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

RE: Michael A. Rogers, #348110 v. State of South Carolina
Appellate Case No: 2017-002116
Lower Court Case: 2015-CP-42-3862

Dear Ms. Kitchings:

Enclosed please find the Motion to Relax Rule 243(g), SCACR, and File Respondent's Brief of Respondent Out of Time, in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this motion today.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM/jaj
Enclosures

cc: Taylor D. Gilliam, Esquire