

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CERTIORARI TO GREENWOOD COUNTY
Court Of Common Pleas

The Honorable J. Mark Hayes, II, Circuit Court Judge

Appellate Case No.: 2018-001004

Jovan Alexander Mitchell,

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, AND FIRST EXTENSION REQUEST**

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 October 2, 2020 pursuant to this Court's Order dated August 3, 2020. However, due to an internal calendaring error, the request for an extension was not timely



filed. Respondent therefore requests that the rules be relaxed in order to file a thirty day extension in which to prepare and submit Respondent's 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 extension request is not made for the purpose of delay, but rather due to my heavy workload. 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.

II.

WHEREFORE, Respondent respectfully asks that this Court relax the requirements of Rule 243(g), SCACR; permit Respondent to file a first 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

MICHAEL J. NEUBAUER
Assistant Attorney General
S.C. Bar # 104450

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

October 5, 2020

By: s/ Michael J. Neubauer
ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO GREENWOOD COUNTY
Court Of Common Pleas

The Honorable J. Mark Hayes, II, Circuit Court Judge

Appellate Case No.: 2018-001004

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Oct 15 2020

SC Court of Appeals

JOVAN ALEXANDER MITCHELL,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

PROOF 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 Return to Petition for Certiorari Out of Time, and First Extension Request, has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

David Alexander, Esquire
dalexander@sccid.sc.gov

This 15th day of October, 2020.

s/Michael J. Neubauer
MICHAEL J. NEUBAUER
Assistant Attorney General

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



ALAN WILSON
ATTORNEY GENERAL

October 15, 2020

RECEIVED
Oct 15 2020
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
(By Electronic Filing Only)

RE: Jovan Alexander Mitchell v. State of South Carolina
Appellate Case No.: 2018-001004

Dear Ms. Kitchings:

Enclosed please find Respondent's Motion to Relax Rule 243(g), SCACR, and File Respondent's Return to Petition for Writ of Certiorari Out of Time, and First Extension Request, 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/ Michael J. Neubauer
Michael J. Neubauer
Assistant Attorney General
SC Barn No. 104450

MJN/ks
Enclosures

cc: David Alexander, Esquire (By Email Only)