

**RECEIVED**

**Oct 21 2020**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

On Petition for Writ of Certiorari to Horry County

Honorable William H. Seals, PCR Judge

---

Appellate Case No. 2020-000012

---

Brittany A. Johnson,

Petitioner,

v.

State of South Carolina,

Respondent.

---

**MOTION TO RELAX RULE 243(g), SCACR, AND  
FILE FIRST EXTENSION REQUEST OUT OF TIME**

---

COMES NOW, Respondent, by and through the undersigned counsel, making its Motion to Relax Rule 243(g), SCACR, and File First Extension Request Out of Time, and would show unto this Court:

**I. REQUEST FOR EXTENSION OUT OF TIME**

The Return to Petition for Writ of Certiorari in the above-captioned post-conviction relief appeal was due to be filed and served on October 15, 2020. However, due to inadvertence, counsel for Respondent failed to calendar the due date.

Accordingly, Respondent requests this Court relax the rules in order to file, out of time, its first request for an extension to file 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.”). Counsel for Petitioner has consented to this request via email.

Counsel for Respondent 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, out of time, its first request for an extension to file its Return to 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

October 21, 2020

## Lindsey McCallister

---

**From:** Lindsey McCallister  
**Sent:** Wednesday, October 21, 2020 3:44 PM  
**To:** 'Hackett, Susan'  
**Subject:** Brittany Johnson - Motion to File Out of Time  
**Attachments:** JOHNSON Brittany - Motion to File Ext Out of Time (02407895xD2C78).pdf

Hi Susan,

Thank you so much for consenting to this motion!

Lindsey

RECEIVED

Oct 21 2020

S.C. SUPREME COURT



**Lindsey A. McCallister**  
Assistant Deputy Attorney General

S.C. Attorney General's Office  
Rembert C. Dennis Building  
Post Office Box 11549  
Columbia, South Carolina 29211

Office: (803) 734-8357  
[lmccallister@scag.gov](mailto:lmccallister@scag.gov)