

STATE OF SOUTH CAROLINA
IN THE SUPRME COURT

Appeal from Richland County

DeAndrea G. Benjamin, Circuit Court Judge

RECEIVED

Oct 26 2020

S.C. SUPREME COURT

DAVID KEITH MCELVEEN,

PETITIONER,

V.

THE STATE OF SOUTH CAROLINA

RESPONDENT

Appellate Case No. 2020-000104

**MOTION TO FILE EXTENSION
OUT OF TIME**

Pursuant to Rule 240, SCACR, Counsel for David Keith McElveen respectfully requests the Court to accept the first extension in this case out of time. In support of this request, counsel shows:

(1) The Extension was due to be served and filed with this Court on October 19, 2020 in accordance with Rule 211, SCACR.

(2) However, due to a clerical error the extension was not filed in a timely manner. Assistant acted immediately upon realizing the error to prepare the extension and file it with this Court along with this Motion.

- (3) Counsel makes this request in good faith and not for purposes of delay.
- (4) Counsel for the Attorney General's Office has graciously consented to this request by email.

WHEREFORE, counsel for Appellant respectfully requests the Court accept the first thirty-day extension as filed out of time.

s/Adam Sinclair Ruffin
Adam Sinclair Ruffin
Appellate Defender

ATTORNEY FOR APPELLANT

October 26, 2020