

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas

The Clifton Newman, Circuit Court Judge

Appellate Case No. 2016-001363

RECEIVED

Oct 27 2020

SC Court of Appeals

Stewart Randall Ard,.....Respondent,

v.

State of South Carolina,.....Petitioner.

**MOTION TO RELAX RULE 243(g), SCACR, AND
FILE REPLY TO RETURN TO PETITION FOR WRIT OF CERTIORARI
OUT OF TIME**

COMES NOW, Respondent, by and through the undersigned counsel, making its Motion to Relax Rule 243(g), SCACR, and File Reply to Return to Petition for Writ of Certiorari 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 26, 2020. However, due to inadvertence, counsel for Petitioner failed to timely file the Reply.

Accordingly, Petitioner requests this Court relax the rules in order to file, out of time, its Reply to Ard'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 Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). Counsel for Ard has consented to this request via email.

Counsel for Petitioner apologizes for any inconvenience this request has caused the Court and Ard. However, Respondent does not believe this request will result in any prejudice to Ard should it be granted.

II. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully asks this Court to relax the requirements of Rule 243(g), SCACR, and permit Petitioner to file its Reply to Ard’s Return to Petition for Writ of Certiorari out of time.

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 PETITIONER

October 27, 2020

Lindsey McCallister

From: Charles Grose <charles@groselawfirm.com>
Sent: Tuesday, October 27, 2020 10:52 AM
To: Lindsey McCallister
Subject: Re: Ard reply

You can say I consent. Sorry it took a while to get back to you.

Best,
Charles

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4466
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groselawfirm.com

From: Lindsey McCallister <LMcCallister@scag.gov>
Date: Tuesday, October 27, 2020 at 10:41 AM
To: Charles Grose <charles@groselawfirm.com>
Subject: Ard reply

Charles,

I'm sorry if I've blown your phone up while you're in court this morning. I realized I forgot to file my reply in Stewart Ard yesterday. I am planning to file it along with a motion to file out of time this morning. Can I say you consent?

Lindsey



Lindsey A. McCallister
Assistant Deputy Attorney General

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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 Petitioner’s Motion to File Reply to Return to Petition for Writ of Certiorari Out of Time and Reply to Return to Petition for Writ of Certiorari has been served upon opposing counsel by sending to opposing counsel’s primary e-mail address as listed in the Attorney Information System (AIS):

E. Charles Grose, Jr., Esquire
charles@groselawfirm.com

This 27th day of October, 2020

s/ Lindsey A. McCallister
LINDSEY A. MCCALLISTER
Assistant Deputy Attorney General
Office of the Attorney General’s Office
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
lmccallister@scag.gov

Lindsey McCallister

From: Lindsey McCallister
Sent: Tuesday, October 27, 2020 5:20 PM
To: 'Charles Grose'
Subject: Ard reply
Attachments: ARD Stewart - Motion & Reply to RPWC (02413650xD2C78).pdf

Follow Up Flag: Worldox

Charles,

Attached is my reply and the motion to file out of time, as we discussed this morning. Thanks!

Lindsey



Lindsey A. McCallister
Assistant Deputy Attorney General

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