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Nov 17 2020

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Richland County

The Honorable Tanya A. Gee, Plea Judge
The Honorable Jocelyn Newman, PCR Judge

Appellate Case No. 2019-002075

Shiquan Tyon Cwiklinski,

Petitioner,

v.

State of South Carolina,

Respondent.

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

COMES NOW, Respondent, by and through the undersigned counsel, making its Motion to Relax Rule 243(g), SCACR, and Motion to File Second 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 November 9, 2020. However, although counsel prepared a letter requesting an extension and served opposing counsel on November 9, 2020, through inadvertence, counsel then failed to file the motion with the Court.

Accordingly, Respondent requests this Court relax the rules in order to file, out of time, its second 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, as Petitioner was previously notified of Respondent’s request for a second extension.

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 second request for an extension to file its Return to Petition for Writ of Certiorari.

Respectfully submitted,

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November 17, 2020