

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**Dec 09 2020**

CERTIORARI TO CHARELSTON COUNTY  
Court Of Common Pleas

**S.C. SUPREME COURT**

The Honorable George M. McFaddin, Circuit Court Judge

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Appellate Case No.: 2020-000365

Shakeia Butler,

Petitioner,

v.

State of South Carolina,

Respondent.

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**MOTION TO RELAX RULE 243(g), SCACR**

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COMES NOW, Respondent, above named, by and through the undersigned counsel, making its Petition to Relax Rule 243(g) and would show unto this Court:

I.

Respondent's Return to Petitioner's Motion to Vacate the Order of dismissal and Grant a new Post-Conviction Relief Hearing in the above-captioned matter was due to be filed and served on November 13, 2020. However, Respondent's Return was not filed due to an oversight. Respondent therefore requests that the rules be relaxed in order to file a Return by Monday, December 14, 2020. Respondent would normally file the responsive pleading with this request, however, Respondent is currently in PCR court and would

require the additional time to submit an appropriate response. 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.”).

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. Respondent is taking measures to ensure that similar issues will not occur in the future. Respondent had been responsive to Petitioner’s counsel prior to filing the motion, corresponding numerous times through email and phone conversations.

## II.

WHEREFORE, Respondent respectfully asks that this Court relax the requirements of Rule 243(g), SCACR; permit Respondent to file a Return by Monday, December 14, 2020; and for such other and further relief as the Court may deem just and proper.

*Signature on following page*

Respectfully submitted,

ALAN WILSON  
Attorney General

s/ Benjamin Limbaugh  
BENJAMIN H. LIMBAUGH  
Assistant Attorney General  
S.C. Bar # 103334

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

ATTORNEYS FOR RESPONDENT

In compliance with: *In Re: Extensions in Criminal and Post-Conviction Relief Cases*, (S.C. Sup. Ct. Order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).  
December 9, 2020