

STATE OF SOUTH CAROLINA
In The Court of Appeals

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Mar 11 2021

SC Court of Appeals

CERTIORARI TO HORRY COUNTY
Court Of Common Pleas

The Honorable William H. Seals, Jr., Circuit Court Judge

Appellate Case No.: 2018-000054

Theodore Wills, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO RELAX RULE 243(G), SCACR, AND FILE RESPONDENT'S
BRIEF OF RESPONDENT OUT OF TIME**

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

I.

Respondent's Brief of Respondent in the above-captioned matter was due to be filed and served on March 8, 2021. However, this deadline was inadvertently left off of Respondent's calendar. Respondent therefore requests that the rules be relaxed in order to file a thirty day extension in which to prepare and submit its Brief. 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.”). This is Respondent’s first extension request in this case.

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.

II.

WHEREFORE, Respondent respectfully asks that this Court relax the requirements of Rule 243(g), SCACR; permit Respondent to file a request for a thirty-day extension out of time; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

Chelsey F. Marto
Assistant Attorney General
S.C. Bar # 104191

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

By: /s Chelsey F. Marto
ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA
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APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS

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THEODORE WILLS, JR.,

PETITIONER.

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

PROOF 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 the Motion to Relax Rule 243(g), SCACR, and File Respondent's extension to file Brief of Respondent has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Lauren Hobbis, Esquire
laurenwgylaw@gmail.com

This 11th day of March, 2021.

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ChelseyMarto@scag.gov



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ALAN WILSON
ATTORNEY GENERAL

March 11, 2021

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Theodore Wills Jr., v. State of South Carolina
Appellate Case No. 2018-000054

Dear Ms. Kitchings:

Enclosed please find the Motion to Relax Rule 243(g), SCACR, and File Respondent's Brief of Respondent Out of Time, in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this motion today.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General
SC Bar No. 104191

cc: Lauren Hobbis, Esquire