

STATE OF SOUTH CAROLINA
In The Supreme Court

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Apr 12 2021

CERTIORARI TO COLLETON COUNTY
Court Of Common Pleas

S.C. SUPREME COURT

The Honorable Edgar W. Dickson, Circuit Court Judge

Appellate Case No.: 2021-000107

Derrick Fishburne,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO RELAX RULE 243(g), SCACR, AND
FILE RESPONDENT'S FIRST EXTENSION REQUEST OUT OF
TIME**

COMES NOW, 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 Return to Petition for Writ of Certiorari in the above-captioned matter was due to be filed and served on April 4, 2021. However, Respondent's extension request was not filed due to an oversight. Respondent therefore requests that the rules be relaxed

in order to file a thirty day extension in which to prepare and submit its Return to Petition for Writ of Certiorari. This extension request is not intended for the purpose of delay, but rather, is necessitated by my heavy workload. 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.

Signature Block Below

Respectfully submitted,

ALAN WILSON
Attorney General

s/ Benjamin Limbaugh
BENJAMIN H. LIMBAUGH
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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).

April 12, 2021