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May 24 2021

S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
In the Supreme Court**

**ON CERTIORARI TO THE SOUTH CAROLINA COURT OF APPEALS
Appeal from Spartanburg County
Circuit Court**

**J. Mark Hayes, II
Circuit Court Judge**

Supreme Court Case No.: 2020-001184

State of South CarolinaPetitioner,

v.

Kenneth Taylor Respondent.

MOTION TO FILE BRIEF OUT OF TIME

The undersigned, pursuant to Rules 240 & 208(a)(4), SCACR, moves for leave to file Respondent’s brief, which is attached to this motion. The undersigned would show the following in support of his motion:

1. As set forth in the undersigned’s motion to appoint him guardian *ad litem*, the Respondent has been unrepresented since approximately 2016 and has not received notice of the appellate proceedings before the Court of Appeals and this Court.
2. As this is a criminal matter, due process mandates he be given an opportunity to be heard on this matter, which affects his constitutionally-protected right to liberty.

3. The State cannot be prejudiced by this relief, as in filing an appeal, it should expect a response to its arguments.

4. The undersigned has conferred with counsel for the State, who does not consent to this relief.

Wherefore, the undersigned requests this Court accept the attached brief as properly filed and grant such other and further relief as it deems just and proper.

Dated: 05/24/2021

/s/ Jason Scott Luck

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Proposed Guardian *ad litem* for Respondent