

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Aug 24 2021

On Petition for Writ of Certiorari to Marion County

SC Court of Appeals

The Honorable William H. Seals, Trial Judge
The Honorable Michael G. Nettles, PCR Judge

Appellate Case No. 2018-002169

Edward Stackhouse,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO RELAX RULE 243(g), SCACR, AND
FILE 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 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 August 23, 2021. However, counsel was unexpectedly on leave due to a sick child, and through inadvertence, counsel failed to file the extension request with the Court. Counsel realized her error upon her return to work today.

Accordingly, Respondent requests this Court relax the rules in order to file, out of time, its request for a thirty-day extension of time in which 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 (attached).

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.

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 request for a thirty-day extension of time in which to file its Return to Petition for Writ of Certiorari.

Respectfully submitted,

ALAN WILSON
Attorney General

LINDSEY A. MCCALLISTER
Assistant Deputy Attorney General
S.C. Bar #79054

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

By: s/ Lindsey A. McCallister
ATTORNEYS FOR RESPONDENT

August 24, 2021

Lindsey McCallister

From: Carter, Wanda <WCarter@sccid.sc.gov>
Sent: Tuesday, August 24, 2021 4:44 PM
To: Lindsey McCallister
Subject: Re: [External] Edward Stackhouse - motion to file out of time

Oh yes, of course I consent.

Wanda

Feel better to the baby!

From: Lindsey McCallister <LMcCallister@scag.gov>
Sent: 24 August 2021 12:41
To: Carter, Wanda <WCarter@sccid.sc.gov>
Subject: [External] Edward Stackhouse - motion to file out of time

Hi Wanda,

I was unexpectedly out with a sick child yesterday anddddddd forgot to file this extension request. I'm preparing a motion to file out of time right now. Can I say that you consent?

LINDSEY A. MCCALLISTER, Assistant Deputy Attorney General
South Carolina Attorney General's Office
Post-Conviction Relief | Office 803-734-8357
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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CERTIFICATE 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 Motion to File Extension Request Out of Time has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Wanda H. Carter, Esquire
wcarter@sccid.sc.gov

This 24th day of August, 2021.

s/ Lindsey A. McCallister
LINDSEY A. MCCALLISTER
Assistant Deputy Attorney General
Office of the Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
lmccallister@scag.gov



ALAN WILSON
ATTORNEY GENERAL

August 24, 2021

RECEIVED

Aug 24 2021

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
(By Electronic Filing Only)

Re: Edward Stackhouse v. State of South Carolina
Appellate Case No. 2018-002169

Dear Ms. Kitchings:

Attached please find the State's Motion to File Extension Request Out of Time, along with proof of service, for filing in the above-referenced post-conviction relief appeal. Petitioner is being served simultaneously by copy of this email to the Court. Please let me know if anything additional is needed.

Sincerely,

s/ Lindsey A. McCallister

Lindsey A. McCallister
Assistant Deputy Attorney General
SC Bar No. 79054

LAM/em

cc: Wanda H. Carter, Esquire (by email only)