

RECEIVED

Nov 02 2021

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2021-000957

Thomas J. Torrence, #094651 Respondent,

v.

South Carolina Department of Corrections Petitioner.

**MOTION FOR AN EXTENSION OF THE DEADLINE BY WHICH
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
MAY FILE ITS REPLY TO TORRENCE’S RETURN
TO ITS PETITION FOR WRIT OF CERTIORARI**

On September 23, 2021, the South Carolina Department of Corrections [“SCDC”], the Petitioner in the above-captioned matter, filed and served its petition for writ of certiorari concerning the June 30, 2021 decision issued by the Court of Appeals. *See Thomas J. Torrence, Respondent, v. S.C. Dep’t of Corr., Appellant*, Opinion No. 5829 (June 30, 2021), 861 S.E.2d 36 (S.C. Ct. App. 2021).

On November 1, 2021, SCDC’s undersigned counsel received via United States Mail a copy of the return to its petition for writ of certiorari prepared by Thomas Torrence, the Respondent in the above-captioned matter.

Torrence's return is dated October 22, 2021, and the accompanying proof of service reflects he served a copy of the same by United States Mail on October 25, 2021 upon SCDC's undersigned counsel.

As an aside, the envelope in which Torrence served his return upon SCDC's undersigned counsel reflects its receipt by the mailroom at Perry Correctional Institution on October 26, 2021.

As Torrence served his return on October 25, 2021, SCDC's must file and serve its reply to Torrence's return no later than tomorrow, November 3, 2021. See South Carolina Appellate Court Rule ["SCACR"] 242(g) ("The petitioner shall have ten (10) days from the date of service of the return with the Clerk of the Supreme Court ... a reply and proof of service showing that the reply has been served."),

However, as he only received Torrence's return yesterday, November 1, 2021, SCDC's undersigned counsel respectfully moves this Court to extend the deadline associated with filing and serving SCDC's reply from Wednesday, November 3, 2021 to Friday, November 12, 2021.

Such an extension will afford SCDC's undersigned counsel a sufficient opportunity to review Torrence's return and prepare SCDC's reply. Such an extension will also accommodate the upcoming schedule of SCDC's undersigned counsel, which includes a mediation in an unrelated case this Thursday, November 4, 2021 and construction activity at his home beginning Friday, November 5, 2021. Finally, such an extension will accommodate the Veterans Day state holiday on Thursday, November 11, 2021.

Therefore, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion and extend the deadline by which SCDC may file and serve its reply to Torrence's return to its petition for writ of certiorari from November 3, 2021 to November 12, 2021.

RESPECTFULLY SUBMITTED:

s/Lake E. Summers

Lake E. Summers
S.C. Bar #0064146
Malone, Thompson, Summers & Ott LLC
339 Heyward Street
Columbia, South Carolina 29201
(803) 254-3300 – Office
(803) 254-0309 – Fax
summers@mtsolfirm.com

Counsel for the South Carolina
Department of Corrections

Columbia, South Carolina
November 2, 2021

Pro se Respondent:

Thomas J. Torrence, #094651
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669