

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Richland County
L. Casey Manning, Circuit Court Judge

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AUG - 1 2014

S.C. Supreme Court

GERALD SMITH,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER

APPELLATE CASE NO. 2014-000951

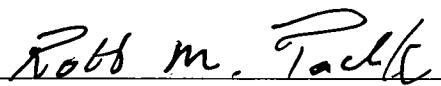
MOTION TO FILE RETURN TO PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS OUT OF TIME

Counsel for Gerald Smith respectfully requests the Court's permission to file Respondent's Return to Petition for Writ of Certiorari to the Court of Appeals on or before Friday, August 8, 2014. In support of this motion counsel shows:

1. The State's Petition for Writ of Certiorari to the Court of Appeals was filed on June 30, 2014.
2. Counsel's Return to Petition for Writ of Certiorari to the Court of Appeals was due July 30, 2014.
3. Due to an oversight, the Return was not properly calendared.
4. Counsel makes this request in good faith and not for purposes of delay.

WHEREFORE, the undersigned counsel respectfully requests this Court's permission to file the Return to Petition for Writ of Certiorari to the Court of Appeals on or before Friday, August 8, 2014.

Respectfully submitted,

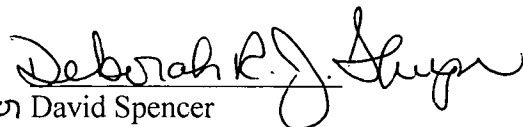


Robert M. Pachak
Appellate Defender
S.C. Bar No. 4312

Attorney for Petitioner

August 1, 2014

I Consent:


for David Spencer

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
L. Casey Manning, Circuit Court Judge

GERALD SMITH,

PETITIONER,

V.

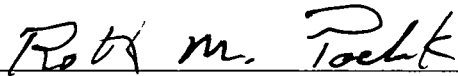
STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000951

CERTIFICATE OF SERVICE


The undersigned attorney hereby certifies that a true copy of the Motion to File Return to Petition for Writ of Certiorari to the Court of Appeals out of time in the above referenced case has been served upon David Spencer, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, SC 29201, this 1st day of August, 2014.



Robert M. Pachak
Appellate Defender
S.C. Bar No. 4312

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 1st day of August, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.