

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

William Jeffrey Young, Circuit Court Judge

RECEIVED

JAN 23 2015

S.C. Supreme Court

RANDALL S. TYLER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2013-000795

PETITION TO FILE
THE REPLY TO THE RETURN TO THE PETITION
FOR WRIT OF CERTIORARI OUT OF TIME

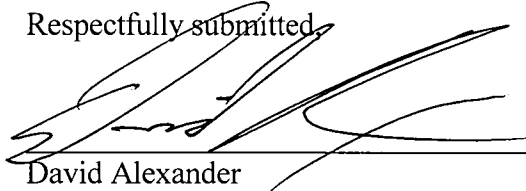
Pursuant to Rules 240 and 263 of the South Carolina Appellate Court Rules, the undersigned counsel requests leave in which to file a Reply to the State's Return to Petition for Certiorari out of time. In support of this motion, counsel submits the following facts.

1. Counsel for Respondent inadvertently served his Return on PCR counsel, not appellate counsel for Petitioner.
2. As a result of not being served, Petitioner did not file a reply.
3. After discovering the error, counsel for Respondent graciously agreed to consent to this petition to file a reply out of time. Counsel for Petitioner immediately reviewed the State's Return upon receipt and drafted the reply.

4. Counsel submits the Reply together with this Petition and asks the Court to accept it as filed.

WHEREFORE, counsel requests leave in which to file a Reply to the State's Return to Petition for Certiorari and to accept the Reply as filed.

Respectfully submitted,



David Alexander
Appellate Defender

Attorney for Petitioner

January 23, 2015

I consent:


John Walt Whitmire, Esquire

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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RANDALL S. TYLER,

PETITIONER,

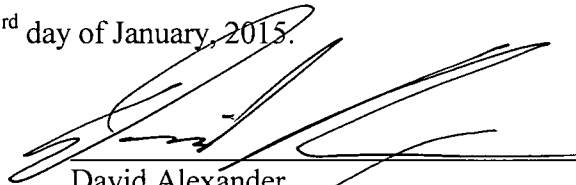
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

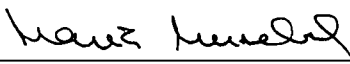
The undersigned attorney hereby certifies that a true copy of the Petition to File the Reply to the return to the petition for writ of certiorari Out of Time in the above referenced case has been served upon John Walt Whitmire, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 23rd day of January, 2015.



David Alexander
Chief Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 23rd day of March, 2015.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

January 23, 2015

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JAN 23 2015

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
PO Box 11330
Columbia, SC 29211

Re: Randall S. Tyler v. State of South Carolina

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Petition to File the Reply to the Return to the petition for writ of certiorari Out of Time in the above-captioned case.

Thank you for your assistance in this matter.

Sincerely,

David Alexander
Appellate Defender

DAA/mpm

Enclosure

cc: John Walt Whitmire, Esquire
Randy S. Tyler, # 294029