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APR 14 2015

S.C. Supreme Court

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to the Court of Appeals
Appeal from Pickens County
Honorable G. Edward Welmaker, Circuit Court Judge
Appellate Case Tracking No. 2015-000537

The State,

Respondent,

vs.

Damon T. Brown,

Petitioner.

**MOTION TO FILE RETURN TO PETITION
FOR WRIT OF CERTIORARI OUT OF TIME**

Respondent would respectfully show unto this Court as follows:

Respondent served the Return to Petition for Writ of Certiorari on Petitioner's counsel on March 31, 2015. Respondent verified with opposing counsel she received copies of the Return. The Return was due to be served and filed no later than April 13, 2015.

The undersigned believed the original and requisite copies of the Return were being filed in the South Carolina Supreme Court on March 31, 2015. After review of delivery logs, it appears the original and copies were scheduled for delivery to the South Carolina Court of Appeals and not the South Carolina Supreme Court. As a result, the Return, which was timely served on Petitioner, was not timely filed with this Court.

The State asks this Court to allow the filing of the Return out of time and accept as filed the Return to the Petition for Writ of Certiorari, which is being filed concomitant


with this motion. The undersigned contacted opposing counsel, Lara M. Caudy, and she has indicated her consent to this Motion allowing the Return to be filed out of time.

WHEREFORE, Petitioner requests the Court accept for filing out of time the Return to Petition for Writ of Certiorari; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

By: 
For DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
S.C. Bar No. 5098
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

April 14, 2015

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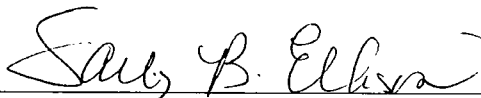
PROOF OF SERVICE

I, Sally B. Ellison, certify I served the Motion to File Return to Petition for Writ of Certiorari Out of Time on Petitioner by depositing a copy in the United States mail, postage prepaid, addressed to:

Lara M. Caudy
Assistant Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

I further certify that all parties required by Rule to be served have been served.

This 14th day of April, 2015.



SALLY B. ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

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S.C. Supreme Court

April 14, 2015

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: State v. Damon T. Brown
Appellate Case Tracking No. 2015-000537

Dear Mr. Shearouse:

Enclosed for filing is the original Motion to File Return to Petition for Writ of Certiorari Out of Time, with proof of service, in the above referenced appeal.

Sincerely,

For Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

Enclosures

cc: Lara M. Caudy, Assistant Appellate Defender