

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to the Court of Appeals  
Appeal From Barnwell County  
Hon. Doyet A. Early, III, Circuit Court Judge  
Appellate Case Tracking No. 2015-000309  
\_\_\_\_\_

**RECEIVED**

MAY 27 2015

**S.C. Supreme Court**

The State,

Respondent,

v.

Eric VanCleave,

Petitioner.

\_\_\_\_\_  
**MOTION TO SERVE AND FILE  
RETURN TO PETITION FOR WRIT OF CERTIORARI  
OUT OF TIME**  
\_\_\_\_\_

Respondent would respectfully show unto this Court as follows:

The Return to Petition for Writ of Certiorari was due to be served and filed in February 2015. The due date was never calendared by the undersigned and as a result the deadline for service and filing was missed. During the time the State received the Petition for Writ of Certiorari, the undersigned was out of the office for significant periods of time as a result of medical issues. Upon return to the office, the receipt of the Petition was not recognized and the date for service and filing of the Return was never calendared for completion.

The undersigned has completed the Return and will serve and file it concomitant with this motion. This request is not intended for purposes of delay, but rather to ensure


the Return is properly prepared, served and filed. As a result, the State asks this Court to accept the Return out of time as properly served and filed.

WHEREFORE, Respondent requests that the Court accept this Motion out of time, hold this matter in abeyance until ruling on this motion, and accept the Return to the Petition for Writ of Certiorari out of time; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Assistant Attorney General

By:   
WILLIAM M. BLITCH, JR.  
Assistant Attorney General  
S.C. Bar No. 15608  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

May 27, 2015

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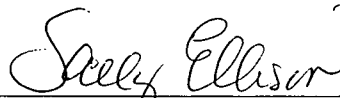
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**PROOF OF SERVICE**  
\_\_\_\_\_

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

Robert T. Williams, Sr. Esquire  
Benjamin A. Stitely, Esquire  
Williams, Hendrix, Steigner & Brink, P.A.  
Post Office Box 849  
Lexington, South Carolina 29071

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

This 27<sup>th</sup> day of May, 2015.



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