

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Fairfield County  
Honorable Brian M. Gibbons, Circuit Court Judge  
Appellate Case Tracking No. 2014-001964

RECEIVED

JUL 27 2015

SC Court of Appeals

Robert James Miller, Jr.,

Appellant,

vs.

Robert M. Stevenson, III,

Appellant.

**MOTION TO SERVE AND FILE  
INITIAL BRIEF OF RESPONDENT OUT OF TIME**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent was due to be served and filed June 22, 2015.

II.

The undersigned submits Appellant did not properly serve his initial brief on Respondent pursuant to Rule 208(a)(1), SCACR. Respondent did not receive a copy of Appellant's Initial Brief until July 23, 2015, which did not include a Certificate of Service. See Attachment A. As such, the undersigned was unaware the initial brief of Respondent was due to be served and filed.

III.


The undersigned requests this Court allow the Initial Brief to be served and filed out of time. The Initial Brief of Respondent is being served and filed concomitant with this motion so no further delay will occur. The undersigned asks this Court to accept the Initial Brief as filed.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, allow the service and filing of the Initial Brief of Respondent out of time, and accept the Initial Brief submitted with this motion as filed; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

J. CROOM HUNTER  
Assistant Attorney General

A handwritten signature in black ink, appearing to be 'J. Croom Hunter', written over a horizontal line.

J. Croom Hunter  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

July 27, 2015

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Respondent.

**PROOF OF SERVICE**

I, Ashley Haworth, certify that I have served the Motion to Serve and File Initial Brief of Respondent Out of Time r on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Robert J. Miller, Jr., #316047  
Manning Correctional Institution  
502 Beckman Drive  
Columbia, SC 29203

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

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



ASHLEY HAWORTH  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

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JUL 27 2015  
SC Court of Appeals

July 27, 2015

**VIA HAND DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Robert J. Miller, Jr. vs. Robert M. Stevenson, III  
Appellate Case Tracking No. 2014-001964

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion to Serve and File Initial Brief of Respondent Out of Time along with proof of service for filing in the above-referenced appeal.

Sincerely,

J. Croom Hunter  
Assistant Attorney General

Enclosures

cc: Robert J. Miller, Jr., #316047  
Victim Services