

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari from Lexington County  
The Honorable D. Craig Brown, Circuit Court Judge

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Appellate Case No: 2015-002204

S.C. Supreme Court

\_\_\_\_\_  
DENNIS F. SANDERS,

Petitioner,

vs.

THE STATE OF SOUTH CAROLINA,

Respondent.

\_\_\_\_\_  
**MOTION TO OBTAIN LEAVE TO MAKE 60(a) MOTION IN THE LOWER COURT**  
\_\_\_\_\_

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

I.

Petitioner filed an application for post-conviction relief on May 23, 2012. Following an evidentiary hearing, an Order was issued denying and dismissing Petitioner's application with prejudice. However, as the result of a clerical mistake, the procedural history of that Order is incorrect in that it refers to the wrong offenses.<sup>1</sup>

\_\_\_\_\_  
<sup>1</sup> The Procedural History refers to several Aiken County indictments, which were the subject of a separate action and dismissed by a separate Order. (2012-CP-02-01278).

II.

The South Carolina Rules of Civil Procedure allow for a court to correct “[c]lerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission . . . at any time.” Rule 60(a), SCRPC. However, during the pendency of an appeal, leave to correct the mistake must be obtained from the appellate court. Id. Respondent therefore requests this Court grant it leave to make a motion for the lower court to correct the procedural history in the Order dismissing Petitioner’s application for post-conviction relief. Petitioner, through counsel, has consented to this motion.

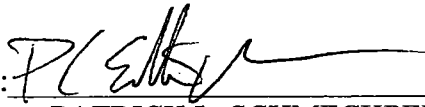
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WHEREFORE, Respondent respectfully prays that this Court grant it leave to make a Rule 60(a) motion in the lower court; that all time limits for this appeal be held in abeyance until this Court's disposition of this motion; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

PATRICK L. SCHMECKPEPER  
Assistant Attorney General

BY:   
\_\_\_\_\_  
PATRICK L. SCHMECKPEPER  
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ATTORNEYS FOR RESPONDENT

November 13, 2015

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari from Lexington County  
The Honorable D. Craig Brown, Circuit Court Judge  
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Dennis F. Sanders,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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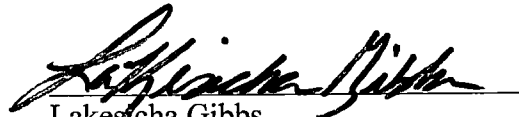
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of the **Motion to Obtain Leave To Make 60(a) Motion in the Lower Court** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

**Ms. Tricia A. Blanchette, Esquire  
Law Office of Tricia A. Blanchette, LLC  
Post Office Box 12725  
Columbia, SC 29211**

This 13<sup>th</sup> day of November, 2015



Lakesha Gibbs  
LEGAL ASSISTANT for the Respondent