

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEE COUNTY **RECEIVED**  
General Sessions Court  
Clifton B. Newman, Jr., Circuit Court Judge **MAY 12 2016**  
**SC Court of Appeals**  
Case No. 2014-GS-31-00050  
Appellate Case No. 2015-000175

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The State,

Respondent,

v.

Dennis E. Hoover,

Appellant.

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MOTION FOR LEAVE TO CORRECT LANGUAGE OF INITIAL  
REPLY BRIEF IN FINAL REPLY BRIEF AND FOR EXTENSION  
OF DEADLINE FOR FILING FINAL REPLY BRIEF

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Pursuant to Rule 240 of the South Carolina Appellate Court Rules, appellant respectfully moves for leave to correct erroneous language of the Initial Reply Brief of Appellant in the Final Reply Brief of Appellant to be filed with the Court. In support of this motion, appellant states as follows:

Appellant was indicted for attempted murder and convicted of assault and battery in the first degree. These facts are correctly recited in the Statement of the Case in the Initial Brief of Appellant and agreed to by the state in its Initial Brief of Respondent.

In the Initial Reply Brief of Appellant, appellant's counsel made a scrivener's error in the first sentence of the Argument in Reply, stating "Appellant, Dennis E. Hoover, seeks reversal of his conviction for attempted murder based on . . ." This sentence should have stated "Appellant, Dennis E. Hoover, seeks reversal of his conviction for assault and battery in the first degree based on . . ."

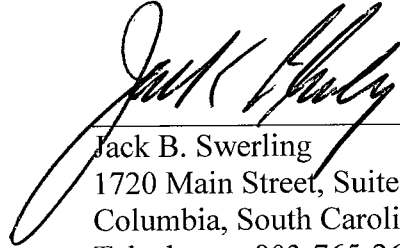
The final briefs of the parties are due to be filed May 19, 2016. In preparing the Final Reply Brief of Appellant, counsel discovered the error recited above. Because the statement in the Initial Reply Brief of Appellant is not the correct information, as recited in appellant's principal brief, retaining this erroneous information in the Final Reply Brief of Appellant may lead to confusion. Accordingly, appellant moves for leave to alter the erroneous language to the correct statement, quoted above.

Because the briefs are due next week, appellant also moves for an extension of the deadline for filing the Final Reply Brief of Appellant, so that appellant can await the Court's ruling on this motion before incurring the expense of printing and binding the multiple copies required for final briefs. Appellant respectfully moves for an additional ten days from the date of the Court's order ruling on this motion in which to serve and file the Final Reply Brief of Appellant.

Counsel has spoken with the state's attorney, Assistant Attorney General William M. Blich, Jr., who has indicated that he consents to counsel's request to make this correction in the Final Reply Brief of Appellant and to the request for an extension of the

deadline for serving and filing the Final Reply Brief of Appellant until after the Court rules on the motion.

Respectfully submitted,



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Attorneys for Appellant

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PROOF OF SERVICE

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I certify that I have served the Motion for Leave to Correct Language of Initial Reply Brief in Final Reply Brief and for Extension of Deadline for Filing Final Reply Brief, upon respondent, by mail to its counsel of record, Assistant Attorney General William M. Blicht, Jr., Post Office Box 11549, Columbia, South Carolina 29211, this 12<sup>th</sup> day of May, 2016.



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May 12, 2016

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**MAY 12 2016**

**SC Court of Appeals**

**VIA HAND-DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RE: The State v. Dennis E. Hoover  
Appellate Case No.: 2015-000175

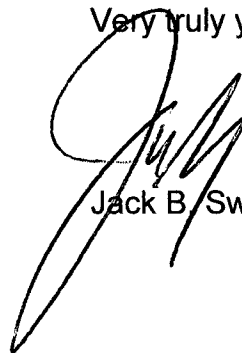
Dear Ms. Kitchings:

Enclosed for filing are the original and six copies of the Motion for Leave to Correct Language of Initial Reply Brief in Final Reply Brief and for Extension of Deadline for Filing Final Reply Brief, along with the Proof of Service, in the above referenced matter.

By copy of this letter, I am serving William M. Blicht, Jr., Assistant Attorney General, with a copy of same.

If you have any questions, do not hesitate to contact me.

Very truly yours,



Jack B. Swerling

JBS/kas  
Enclosures

cc: William M. Blicht, Jr., Assistant Attorney General  
Katherine Carruth Goode, Esquire  
Dennis E. Hoover, #00362818  
Audrey Hoover