

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari Petition from Marlboro County
Howard P. King, Circuit Ct. Judge
On Denial of Motion for New Trial

RECEIVED

Appellate Case # 2012-210026

OCT 30 2012

S.C. Supreme Court

ALFONSO STATON, #241380,

PETITIONER

v.

STATE OF SOUTH CAROLINA,


RESPONDENT

**MOTION TO ALLOW LATE FILING OF RETURN TO PETITION FOR WRIT OF
CERTIORARI TO THE COURT OF APPEALS**

The Respondent, above-named hereby make a Motion to allow filing of a Return to the pro se Petition for Certiorari received from the Clerk of the South Carolina Supreme Court on October 25, 2012 and extend the time for filing pursuant to SCACr Rule 240 and 242 (f). According to the records of the Clerk of the South Carolina Supreme Court, on September 21, 2012, Petitioner made a pro se petition for writ of certiorari in the South Carolina Supreme Court. *Staton v. State of S.C. "Petition for Writ of Certiorari to the South Carolina Supreme Court." Appellate Case No. 2012-210026, dated September 19, 2012.* Although the cover page reflects as counsel of record Salley W. Elliott, the petition does not include a certificate of service. A review of the records of the Office of the Attorney General reveal that this document

was not received by Senior Assistant Attorney General Elliott and the Office of the Attorney General has no record of receiving the petition.

On or about October 25, 2012, the Office of the Attorney General received a call from the Clerk's Office of the South Carolina Supreme Court concerning whether a Return would be filed in the matter. The Office was advised that the Return to the Petition, although not received was overdue. On the same date, the Clerk's Office of the Supreme Court provided this Office with a copy of the Petition for Writ of Certiorari that it had received.

 On this date, Respondents are filing a Return to the Petition for Writ of Certiorari. Since being provided with a copy of the pleading, Respondent has been in communication with the Clerk of Court for the Court of Appeals, the Fourteenth Circuit Solicitor's Office and the Fifteenth Circuit Solicitor's Office to gather information and materials concerning the motion for new trial.

WHEREFORE, Respondent respectfully requests this request to allow filing of the Return to the Petition for Writ of Certiorari.

Respectfully submitted,


ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
S.C. Bar Number 5758

P.O. Box 11549
Columbia, SC 29211
(803) 734-6305

By:



DONALD J. ZELENKA
ATTORNEYS FOR RESPONDENT

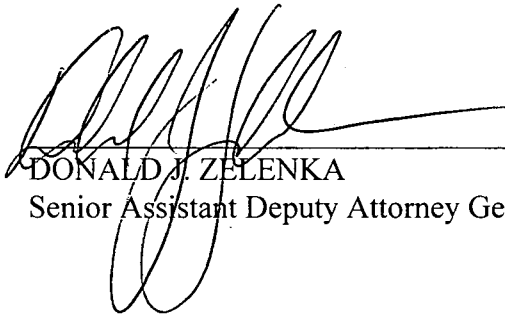
October 30, 2012

CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served the **Motion to Allow Late Filing of Return to Petition for Writ of Certiorari to the Court of Appeals**, in the foregoing action by depositing copy in the United States mail, postage prepaid, to:

Alfonso Staton, #241380
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

This 30th day of October, 2012.



DONALD J. ZELENA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

October 30, 2012

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211

RECEIVED

OCT 30 2012


S.C. Supreme Court

Re: The State v. Alfonso Staton
Appellate Case No. 2012-210026

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the *Return to Petition for Writ of Certiorari to the Court of Appeals* in the above-referenced case for filing. Also, enclosed for filing is a *Motion to Allow Late Filing of Return to Petition for Writ of Certiorari to the Court of Appeals*. By copy of this letter, I am serving Petitioner with same.

Sincerely,



Donald J. Zetserka
Senior Assistant Deputy Attorney General

DJZ/lbb
Enclosure

cc: Alfonso Staton, #241380
S.C. Court of Appeals
Sandi Wofford, Victims Assistance