

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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FEB 24 2017

SC Court of Appeals

APPEAL FROM PICKENS COUNTY

The Honorable J. Cordell Maddox, Jr., Circuit Court Judge

Appellate Case No. 2015-000210

THE STATE, APPELLANT,

v.

ARTHUR M. FIELD, RESPONDENT.

MOTION TO FILE RECORD ON APPEAL AND FINAL BRIEF OUT OF TIME

Appellant, the State, submits this Motion to file Record on Appeal and Final Brief Out of Time in response to the letter of the Clerk of this Court dated February 17, 2017. In the letter, the Clerk notes that the Record on Appeal and Final Briefs should have been already filed.

The State respectfully requests that this Court should grant the motion and accept the Record on Appeal and Final Brief of Appellant, which are also being filed and served upon counsel today. The reason for this request is the State was never served with the Initial Brief of Respondent. Indeed, the copy of the Initial Brief of Respondent

on this Court's C-Track system does not contain a Proof of Service showing the Initial Brief of Respondent was served on the State – also, there is no Designation of Matter from the Respondent per Rule 209, SCACR.¹

Accordingly, the State respectfully submits that the Initial Brief of Appellant and Record on Appeal be accepted by this Court and the instant motion be granted.

Respectfully submitted,


ALAN WILSON
Attorney General

S. CREIGHTON WATERS
Assistant Deputy Attorney General

BRIAN T. PETRANO
Assistant Attorney General

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3693

By:



S. Creighton Waters

February 24, 2017.

¹ <http://ctrack.sccourts.org/public/document/view.do?documentID=502003>

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Appeal from Pickens County
The Honorable J. Cordell Maddox, Jr., Circuit Court Judge

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Appellate Case No. 2015-000210

THE STATE,

Appellant,

vs.

ARTHUR M. FIELD,

Respondent.

PROOF OF SERVICE


I certify that I have served the: *Final Brief of Appellant* with certificate of counsel, the *Record on Appeal*, and the *Motion to File Record on Appeal and Final Brief of Appellant Out of Time* by depositing a copy in the United States Mail; postage prepaid, on February 24, 2017, addressed to his attorney of record:

Mr. James Todd Rutherford
The Rutherford Law Firm, LLC
PO Box 1452
Columbia, SC 29202-1452

February 24, 2017.

ALAN WILSON
Attorney General

BRIAN T. PETRANO
Assistant Attorney General


BRIAN T. PETRANO
Office of the Attorney General
PO Box 11549 Columbia, SC 29211
(803) 734-3693
BPETRANO@SCAG.GOV
ATTORNEYS FOR THE
STATE OF SOUTH CAROLINA



ALAN WILSON
ATTORNEY GENERAL


The undersigned hereby certifies that this Final Brief of Appellant complies with Rule 211(b), SCACR.

ALAN WILSON
Attorney General

S. CREIGHTON WATERS
Assistant Deputy Attorney General

BRIAN T. PETRANO
Assistant Attorney General
S.C. Bar No. 074244

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3693
bpetrano@scag.gov

By: 

Brian T. Petrano,

February 24, 2017.

ATTORNEYS FOR APPELLANT.

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SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

February 24, 2017

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

RE: State v. ARTHUR M. FIELD,
Appellate Case No. 2015-000210

Dear Ms. Kitchings:

Enclosed for filing in the above matter are the following:

- (1) Original plus six (6) copies of the *Motion to File Record on Appeal and Final Brief of Appellant Out of Time.*
- (2) Original plus fifteen (15) copies of the *Record on Appeal.*
- (3) Original plus fifteen (15) copies of the *Final Brief of Appellant.*
- (4) Rule 211(b), SCACR Certificate of Counsel.
- (5) Proof of Service of the above items to Respondent's attorney of record.

Sincerely,

BRIAN T. PETRANO
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3693
BPETRANO@SCAG.GOV

cc: Mr. James Todd Rutherford
The Rutherford Law Firm, LLC
PO Box 1452
Columbia, SC 29202-1452

ATTORNEY FOR RESPONDENT

ATTORNEYS FOR THE APPELLANT