

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. Supreme Court

APPEAL FROM RICHLAND COUNTY
L. Casey Manning, Circuit Court Judge
Court of Common Pleas
Appellate Case Tracking No. 2011-195567

The State,

Petitioner,

v.

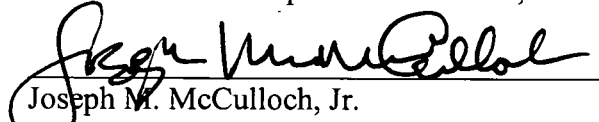
Ryan Hercheck,

Respondent.

MOTION TO FILE RESPONDENT'S BRIEF OUT OF TIME

The Respondent, by and through undersigned counsel, moves this Court to allow Respondent to file the Brief of Respondent out of time. It appears based on the certificate of service that Petitioner mailed the Brief of Petitioner to Respondent's counsel on October 26, 2012. Counsel was unaware that the Brief of Petitioner had been received but acknowledges that it was received by his office. As this matter has been heavily briefed at the appellate and lower court levels and as Respondent timely filed a Return to Petitioner's Petition for Writ of Certiorari, counsel believes his request will not result in a prejudice to Petitioner and requests a fifteen (15) day extension of time in which to file the Brief of Respondent. Counsel has consulted with counsel for Petitioner who consents to this request.

Law Offices of Joseph M. McCulloch, Jr.

A handwritten signature in black ink, appearing to read "Joseph M. McCulloch, Jr.", written over a horizontal line.

Joseph M. McCulloch, Jr.

Kathy R. Schillaci

Post Office Box 11623

1426 Richland Street

Columbia, South Carolina 29201

Telephone: (803) 779-0005

Fax: (803) 779-0666

Attorneys for Respondents

Columbia, South Carolina

November 29, 2012

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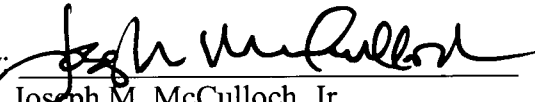
PROOF OF SERVICE

I certify that I have served the **Motion to File Respondent's Brief Out of Time** on Attorneys for Petitioner as set forth below by depositing a copy of said document in the United States Mail, first-class postage prepaid, on **November 29, 2012** addressed to:

Alan Wilson, Attorney General
William M. Blich, Jr., Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

THE LAW OFFICES OF JOSEPH M. MCCULLOCH, JR.

By:


Joseph M. McCulloch, Jr.

Kathy R. Schillaci

Law Offices of Joseph M. McCulloch, Jr.

Post Office Box 11623

Columbia, South Carolina 29211

(803) 779-0005

Attorney for Appellant