

STATE OF SOUTH CAROLINA
In the Supreme Court

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AUG 15 2017

Appeal from Lexington County
The Honorable Brooks P. Goldsmith, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2016-002253

Gregory Velez,

Petitioner,

v.

State of South Carolina,

Respondent.

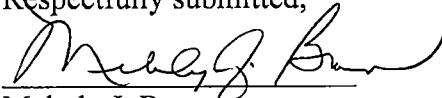
**MOTION TO FILE OUT OF TIME THE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, the State, moves this Court to accept the Return to Petition for Writ of Certiorari in this case as filed out of time:

1. The Petition for Writ of Certiorari was served on June 16, 2017.
2. Respondent's Return was due to be served thirty (30) days later, on Monday, July 17, 2017. However, the date for filing was inadvertently overlooked and not properly calendared. On August 14, 2017, Respondent was advised of this error and the Return to Petition for Writ of Certiorari is being filed and served today, August 15, 2017.
3. Counsel for the Petitioner was notified by telephone of this request.

WHEREFORE, undersigned counsel for Respondent requests the Court accept the Return to Petition for Writ of Certiorari in this case as filed and served out of time.

Respectfully submitted,



Melody J. Brown
Senior Assistant Deputy Attorney General
S.C. Bar # 14244
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305
Attorney for Respondent

This 15th day of August, 2017

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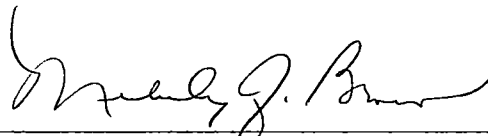
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CERTIFICATE OF SERVICE

I, Melody J. Brown, hereby certify that I have served the Motion to File Out of Time the Return to Petition for Writ of Certiorari, on Petitioner by depositing a copy of same in the United States Mail, postage prepaid addressed to:

**Tommy A. Thomas, Esquire
Post Office Box 88
Irmo, South Carolina 29063**

This 15th day of August, 2017



MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar # 14244
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT



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AUG 15 2017

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

August 15, 2017

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: *Gregory Velez vs. State of South Carolina*
Appeal from Lexington County
Appellate Case No. 2016-002253

Dear Mr. Shearouse:

Enclosed for filing is the original and six (6) copies of the Respondent's Motion to File the Return to Petition for Writ of Certiorari Out of Time, together with an original and six (6) copies of the Return to Petition for Writ of Certiorari and Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

Melody J. Brown
Senior Assistant Deputy Attorney General

MJB:dmd
Enclosures

cc: Tommy A. Thomas, Esq. (w/two 2 copies of encls.)
The Honorable S. Rick Hubbard, III, Solicitor, Eleventh Judicial
Circuit (w/copy of encls.)
Trisha Allen, Victim Advocacy Division (w/copy of encls.)