

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
The Honorable Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2012-208587

THE STATE

RESPONDENT,

V.

TERRY DEAN GREGORY,

APPELLANT.

**MOTION TO FILE INITIAL BRIEF
OF RESPONDENT OUT OF TIME**

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S.C. Supreme Court

Comes now Respondent, above named, by and through the Office of the South Carolina Attorney General, and hereby moves for permission to file the Initial Brief of Respondent in this Matter Out of Time. In support of this motion, counsel for Respondent would show this Court the following:

The Initial Brief of Respondent in this matter was due December 6, 2012. During undersigned counsel's review of a draft of the Initial Brief on December 6, 2012, he realized that he had accidentally left out a portion of the brief. Counsel attempted to correct his mistake, but as a result, was unable to complete, file, and serve the brief until December 7, 2012.

Counsel was advised by the South Carolina Supreme Court that they in fact never received Respondent's Initial Brief. Out of an abundance of caution, we are re-filing and re-serving the Initial Brief of Respondent. Thus, counsel is respectfully requesting permission to file the initial brief out of time.

Wherefore, premises considered, Respondent respectfully requests permission to file the Initial Brief of Respondent out of time.

Respectfully Submitted,

ALAN WILSON
Attorney General

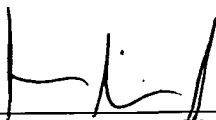
JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

ALPHONSO SIMON JR.
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

THE HONORABLE SCARLETT WILSON
Solicitor, Ninth Circuit
O.T. Wallace Building
101 Meeting St., Ste. #400
Charleston, SC 29401-2214

ATTORNEYS FOR RESPONDENT

By:  _____

Alphonso Simon Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

December 17, 2012.

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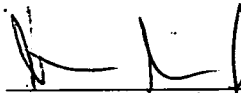
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CERTIFICATE OF SERVICE

I, Alphonso Simon, Jr., counsel for the Respondent, certify that I have served the within Motion to File Initial Brief Out of Time on Appellant by depositing two (2) copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, James W. Bannister, Esq., Bannister & Wyatt, LLC, 401 Pettigru Street, Greenville, SC 29601.

I further certify that all parties required by Rule to be served have been served.

This 17TH day of December, 2012.



ALPHONSO SIMON, JR.

Office of Attorney General
P. O. Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT