

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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FEB 09 2018

S.C. SUPREME COURT

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Brooks P. Goldsmith

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Appellate Case No.:2017-001177

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Terry McCarrell,

Petitioner,

v.

The State of South Carolina,

Respondent.

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**MOTION TO GRANT LEAVE TO FILE OUT OF TIME**

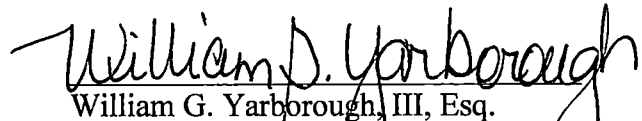
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Petitioner respectfully requests leave of this Honorable Court to file the attached Appendix and Petition for Writ of Certiorari out of time. The record was due on January 19, 2018, and according to our records, the package was mailed on that day to the Court. However, the package failed to arrive at the Court, and therefore, Petitioner's counsel respectfully requests, per the Court's instruction, that the package be re-filed with this motion.

The granting of leave to file the Appendix and Petition for Writ of Certiorari out of time will not cause any undue prejudice. A copy of this motion, Appendix, and Petition for Writ of Certiorari has been forwarded to the South Carolina Attorney General's office as well. Due to the

circumstances regarding the initial filing, Petitioner's counsel respectfully requests that this Honorable Court grant this motion.

Respectfully Submitted,

  
William G. Yarborough, III, Esq.  
Law Office of William G. Yarborough, III  
522 North Church Street  
Greenville, South Carolina 29601  
(864) 331.1612

Attorney for Petitioner

Greenville, South Carolina  
February 8, 2018

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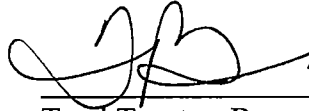
**AFFIDAVIT OF SERVICE**

I, Traci Trouton-Burr, certify on this date, February 8, 2018, I re-served a Petition for Writ of Cert and the Appendix in this action, dated January 19, 2018, accompanied by a Motion To File Out of Time, on Mr. Daniel Shearouse and Assistant Attorney General Julie Amanda Coleman, by mailing it to him/her at his/her work address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Mr. Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
PO Box 11330  
Columbia, SC, 29211

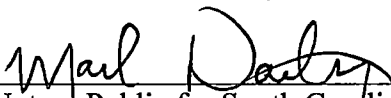
Julie Amanda Coleman  
PO Box 11549  
Columbia, SC 29211

Respectfully submitted,



Traci Trouton-Burr  
Paralegal to William G. Yarborough, Esquire

SWORN TO before this 8  
Day of February, 2018

  
Notary Public for South Carolina  
My Commission expires: 10/9/23

Respectfully Submitted,

William G. Yarborough, III  
Attorney for Petitioner  
522 N. Church Street  
Greenville SC, 29601  
Telephone (864) 331-1612  
Fax (864) 370-0022