

**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

APPEAL FROM PICKENS COUNTY

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

Appellate Case No. 2018-001042

THE STATE,APPELLANT,

v.

ARTHUR M. FIELD, RESPONDENT.

**MOTION TO FILE RESPONSE TO MOTION TO DISMISS AND MOTION TO
SUPPLEMENT RECORD OUT OF TIME**

Appellant, the State, submits this Motion to file the Response to the Motion to Dismiss and to Supplement the Record Out of Time. Respondent filed his motions on August 30, 2019. The State just found about them late last week because it – yet again – was never served.

The State respectfully requests that this Court should grant the motion and accept its Response, which are also being filed and served upon counsel today. The reason for this request is the State was never served with the Motions, despite a Certificate of Service stating the motions were hand delivered to the Attorney General's

Office. A search of the log at the front desk of the Attorney General's Office does not reflect any such delivery was made. This is the second time in this appeal alone that the State has had to file a motion to file out of time because it was not served – the other being in February of 2017 when it was not served with the Initial Brief of Respondent before the Court of Appeals.

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,

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By:


S. Creighton Waters

October 15, 2019.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

Case No. 2018-001042
Lower Court Case No. 2013-GS-47-00008

THE STATE,

Petitioner,

vs.

ARTHUR M. FIELD,

Respondent.

PROOF OF SERVICE

I certify that I have served the *Petitioner's Reply In Opposition to Respondent's Motion to Dismiss Appeal and to Supplement Record, and Motion to File Reply Out of Time*, by depositing a copy in the United States Mail; postage prepaid, on October ____, 2019, addressed to his attorney of record:

Mr. James Todd Rutherford
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October 15, 2019.

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