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**Jun 29 2020**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From Aiken County  
The Honorable Clifton B. Newman, Circuit Court Judge  
Appellate Case Number 2019-001400

The State of South Carolina,

Appellant,

vs.

Herbert E. Pray, III,

Respondent.

**MOTION TO SERVE AND FILE RECORD ON APPEAL OUT OF TIME**

Appellant, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

Due to confusion with telecommuting and other issues resulting from covid-19 pandemic, the undersigned failed to properly calendar the due date and seek an extension or serve and file the Record on Appeal in a timely manner. The Record on Appeal is being served and filed contemporaneously with this motion. As a result, the undersigned does not believe Respondent has suffered any prejudice as the undersigned could have obtained an additional extension.

II.


This request is not intended for purposes of delay, but rather allowed the undersigned to ensure that the Record on Appeal is properly prepared.

WHEREFORE, Appellant prays that the Court accept service and filing of the Record on Appeal out of time; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Senior Assistant Deputy Attorney General

By:   
William M. Blitch, Jr.  
S.C. Bar No: 15608  
Office of the Attorney General  
Post Office Box 11549  
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(803) 734-3727

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**PROOF OF SERVICE**

I, Caroline Collins, certify that I have served the Motion to Serve and File Record on Appeal Out of Time on Respondent's counsel, Robert I. Sussman, by email to the email address provided in AIS.

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

This 29<sup>th</sup> day of June, 2020.



CAROLINE COLLINS  
Administrative Coordinator  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727

## Caroline Collins

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**From:** Caroline Collins  
**Sent:** Monday, June 29, 2020 12:28 PM  
**To:** 'robert@sussman-law.com'  
**Cc:** William Blich; Victim Services  
**Subject:** The State v. Herbert E. Pray, III (2019-001400)  
**Attachments:** PRAY Herbert - Cover Letter - ROA and Motion to File Out of Time (02314280xD2C78).PDF; PRAY Herbert - Motion to Serve and File Record on Appeal Out of Time - 2019-001400 (02314282xD2C78).PDF; PRAY Herbert - Record on Appeal - 2019-001400 (02314293xD2C78).PDF

Good Afternoon Mr. Sussman,

Attached please find a copy of the Record on Appeal, proof of service, and the Motion to Serve and File Out of Time in The State v. Herbert E. Pray, III (2019-001400), along with their cover letter. These documents will be submitted to the Court of Appeals through the AIS system today.

If you will, please reply to confirm receipt of this email.

Thank you!

*Caroline Collins*

Administrative Coordinator  
South Carolina Attorney General's Office  
P: (803) 734-3723

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