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APR 12 2021

SC Court of Appeals

STATE OF South CAROLINA
IN THE COURT OF APPEALS
ON Petition FOR WRIT OF CERTIORARI TO ANDERSON
County.

THE HONORABLE THOMAS W. COOPER, JR., TRIAL JUDGE
THE HONORABLE ALEXANDER S. MACAULAY, FIRST PCR JUDGE
THE HONORABLE EUGENE C. GRIFFITH, JR., SECOND PCR JUDGE

Appellate Case No. 2020-001619

HERMAN BELTON —

Petitioner

STATE OF South CAROLINA —

Respondent

Motion in Opposition to Motion to Dismiss

THE PETITIONER HERMAN BELTON HEREBY MOVES THIS COURT FOR AN ORDER DENYING THE RESPONDENT'S MOTION TO DISMISS. IN SUPPORT, THE UNDERSIGNED SHOWS THE FOLLOWING:

1. THAT ON FEBRUARY 4, 2021 WHEN PETITIONER FILED HIS PETITION FOR WRIT OF CERTIORARI AND APPENDIX, HE ALSO INCLUDED A COVER LETTER TO THE SOUTH CAROLINA SUPREME COURT REQUESTING THAT A COPY BE PROVIDED TO THE RESPONDENT, AND EXPLAINING THAT THE PETITIONER COULD NOT PROVIDE THE COPY.
2. SINCE PETITIONER DID NOT RECEIVE A NEGATIVE RESPONSE FROM THE CLERK, IT IS HIS BELIEF THAT THE COPIES WERE PROVIDED.
3. PETITIONER IS NOT ATTEMPTING TO AVOID THE RULES; ON THE CONTRARY HIS LETTER IS AN ATTEMPT TO COMPLY.
4. THE RESPONDENT(S) SHOULD HAVE CONSULTED WITH THE PETITIONER ABOUT THIS MOTION EVEN THOUGH HE IS PRO-SE, IT WOULD HAVE PROVED TO SERVE A USEFUL PURPOSE IN LIGHT OF THE CIRCUMSTANCES.
5. IT IS A KNOWN FACT THAT GETTING A LARGE VOLUME OF COPIES IS NEXT TO IMPOSSIBLE; AND ADDING COVID WITH STAFF SHORTAGES MAKES THE TASK EVEN HARDER.

6. The Petitioner prays that this Court will
Deny the Respondent(s) motion to Dismiss
And in the Alternative, to Allow the Respondent(s)
to file its Return to the Petition out of time.

Respectfully Submitted

April 9, 2021

Herman Belton, Pro-Se
HERMAN BELTON, PRO-SE
Alledale Corr. Inst.,
P.O. Box 1151
FAIRFAX, SC 29827

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State of South Carolina
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The Honorable THOMAS W. COOPER, Trial Judge
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The Honorable EUGENE C. GRIFFITH, JR., Second PCR Judge

Appellate Case No. 2020-001619

HERMAN BELTON — Petitioner

State of South Carolina — Respondents

Certificate of Service

I have this day served a copy of my motion in opposition to Respondent motions to dismiss and file out of time in the above captioned matter on the below listed persons by U.S. Mail:

Hon. Jenny A. Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Sincerely
Herman Belton

April 9, 2021

Taylor Z. Smith, AAG
S.C. Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211

HERMAN BELTON #256396
HILLENDALE CORR INST, F3-570
P.O. BOX 1151
FAIRFAX, SC 29827

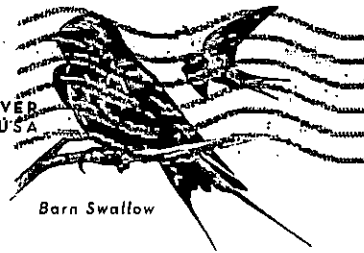
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South CAROLINA COURT OF APPEALS
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Columbia, SC 29211

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