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APR 19 2021

State of South Carolina  
In The Court of Appeals

SC Court of Appeals

On Petition for Writ of Certiorari to  
Anderson County.

The Hon. Thomas W. Cooper, Jr., Trial Judge  
The Hon. Alexander S. Macaulay, First PCR Judge  
The Hon. Eugene C. Griffith, Jr., Second PCR Judge

Appellate Case No: 2020-001619

HERMAN BELTON — Petitioner

State of South Carolina<sup>v.</sup> — Respondent

Motion in opposition to Amend Motion  
To Dismiss AND Motion to file Out of Time.

The Petitioner moves this Court to deny the  
Respondent(s) Motion to Dismiss. In support  
of this motion the Petitioner will show  
the following:

(1)

1. CONTRARY TO ASSERTION(S) OF RESPONDENT, PETITIONER MADE DOCUMENT EFFORT TO COMPLY WITH THE SOUTH CAROLINA RULES.
2. ON JAN. 11, 2021, PETITIONER FILED WITH THE CLERK OF THE S.C. SUPREME COURT, AND MR. TAYLOR Z. SMITH AAG. FOR THE STATE, AN "AGREEMENT TO USE LESS THAN THE ENTIRE TRANSCRIPT OF THE PCR HEARING." THIS IS DONE IN ACCORDANCE WITH S.C. LITIGATION FORM AND ANALYSIS 42-2 APPEALS COURT FORM 10, SCACR. TO DATE, NO-ONE HAS RESPONDED! THE SAVING OF TIME AND MONEY WAS THE REASONING.
3. ON JAN. 8, 2021, PETITIONER WROTE THE COURT REPORTER (MS. MONA MANLEY) INQUIRING HOW TO GO ABOUT OBTAINING MY OCT. 21, 2020 60.(b) MOTION HEARING TRANSCRIPT. ON 1-19-2021, PETITIONER RECEIVED LETTER FROM COURT REPORTER (MS. MONA MANLEY) WHERE SHE INFORMED PETITIONER OF THE COST OF THE TRANSCRIPT OF \$170.00; SHE ALSO INSTRUCTED ME TO CONTACT THE SOUTH CAROLINA INDIGENT DEFENSE FOR ASSISTANCE, WHICH I DID ON 1-20-21. HOWEVER, THE SOUTH CAROLINA INDIGENT DEFENSE HAS NOT RESPONDED.

4. PETITIONER did file his Petition AND Appendix. He did include A letter to the CLERK OF THE COURT explaining that he could not AFFORD the cost of the copying of the transcript and ASK that A COPY BE PROVIDED to the Respondent.
5. THE PETITIONER HAS MADE EVERY EFFORT to file his Petition AS REQUIRED by S.C. COURT Rules. Being indigent must not be A BAR to getting A "full bite of the apple." THE RESPONDENT is AFFORDED AN OPPORTUNITY to OPPOSE AGREEMENT to provide ONLY PART OF THE TRANSCRIPT, but they NEVER responded. They say they NEVER got the Petition, but there is NO DENYING they got the PROPOSED AGREEMENT. (Copy enclosed).
6. PETITIONER PRAYS that this COURT will DENY the Respondents Motion to Dismiss AND ALLOW them to Respond, provide them with the Petition AND Appendix, thereby giving the PETITIONER his "full bite of the apple."

April 15, 2021

Respectfully Submitted  
Herman Belton  
HERMAN BELTON  
Alendale CORR. Inst  
P.O. Box 1151  
Fairfax, SC 29827

(3)

HON. JENNY A. KITCHINGS  
CLERK, S.C. COURT OF APPEALS  
1220 SENATE ST.  
COLUMBIA, SC 29201

MR. TAYLOR Z. SMITH AAG  
OFFICE OF ATTORNEY GENERAL  
P.O. BOX 11549  
COLUMBIA, SC 29211

APRIL 15, 2021

ENCLOSURES: 1 (2 PAGES)

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
APPEAL FROM ANDERSON COUNTY

JAN 11, 2021

HON. EUGENE C. GRIFFITH JR., Circuit Court Judge

CASE NO: 2020-001619

STATE OF SOUTH CAROLINA - Respondents

v.

HERMAN BELTON - Appellant

AGREEMENT TO USE LESS  
THAN THE ENTIRE TRANSCRIPT  
OF THE PCR HEARING.

THE UNDERSIGNED AGREE TO USE THE PCR  
TRANSCRIPT FROM APPELLANT PCR HEARING.  
THIS WOULD BE THE CERTIFIED COPY.

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JAN 11 2021

MAIL ROOM

AG

HERMAN BELTON  
AIRDALE CORR. INST.  
P.O. BOX 1151  
FAIRFAX, SC 29827

S.C. ATTORNEY GEN.  
TAYLOR Z. SMITH, AAG  
P.O. BOX 11549  
COLUMBIA, SC 29201

This Agreement would save time and the  
cost of ordering the same transcript again.  
This transcript is from Appellant's previous  
S.C. Supreme Court hearing.

Respectfully

Herman Belton #256396

HERMAN BELTON #256396  
Alendale Corr. Inst.

P.O. Box 1151

Fairfax, SC 29827

cc: Clerk, S.C. Supreme Court  
S.C. Attorney General  
File

JAN. 11, 2021

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SC Court of Appeals

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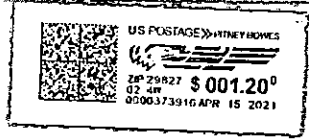
APPELLATE CASE NO. 2020-001619

HERMAN BELTON — Petitioner  
STATE OF SOUTH CAROLINA <sup>v.</sup> — Respondent

CERTIFICATE OF SERVICE

PETITIONER DECLARE UNDER THE PENALTY OF PERJURY THAT HE MAILED A COPY OF HIS MOTION IN OPPOSITION TO THE RESPONDENTS MOTION(S) TO DISMISS; BY PLACING THEM IN THE U.S. MAIL CLEARLY ADDRESSED AS BELOW.

HERMAN BELTON #256396  
ALLENDALE CORR. INST.,  
P.O. BOX 1151  
FAIRFAX, SC 29827



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SC Court of Appeals

HONORABLE: JENNY A. KITCHINGS  
CLERK, S.C. COURT OF APPEALS  
1220 SENATE ST.  
COLUMBIA, SC 29201

12/21

