

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**RECEIVED**

**Apr 23 2021**

**SC 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

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HERMAN BELTON,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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**REPLY TO PETITIONER'S RETURN TO RESPONDENT'S AMENDED  
MOTION TO DISMISS AND FILE OUT OF TIME**

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The State ("Respondent"), in accordance with Rule 240(f), SCACR, hereby makes its reply to Herman Belton's ("Petitioner") return to Respondent's amended motion to dismiss and file out of time:

1. Petitioner's return to Respondent's amended motion to dismiss and file out of time indicates that it was served on Respondent by mail on April 15, 2021.
2. Respondent received a copy of that return by mail on April 21, 2021; however, to the best of the undersigned's knowledge, the copy that Respondent received came from the Anderson County Clerk of Court, not from Petitioner.
3. To the best of the undersigned's knowledge, Respondent has not received a copy

of that return from Petitioner.

4. Respondent requests that this Court accept this reply as timely.
5. Rule 243(f)(1), SCACR, requires that Petitioner's appendix contain the entire lower court record, which would include the transcript from the hearing before Judge Griffith held on October 21, 2020.
6. Respondent does not agree with Petitioner that the transcript from that hearing should be excluded in the appendix, and the undersigned has not entered into any such agreement with Petitioner.

**WHEREFORE**, Respondent prays that the Court would grant the relief prayed for in its amended motion to dismiss and stay any deadlines until it has ruled upon this motion.

Respectfully submitted,

ALAN WILSON  
Attorney General

TAYLOR ZANE SMITH  
S.C. Bar. No. 103282  
Assistant Attorney General

By: s/Taylor Zane Smith  
Attorneys for Respondent  
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(803) 734-3737

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**CERTIFICATE OF SERVICE BY MAILING**

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1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Reply to Petitioner's Return to Respondent's Amended Motion to Dismiss and File Out of Time** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Herman Belton, #256396  
Allendale C.I. (HAB-0010-B)  
1057 Revolutionary Trail  
Fairfax, SC 29827**

DATED this the 23<sup>rd</sup> day of April, 2021

  
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Hannah Bradham, Legal Assistant