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Dec 07 2022

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Roger Tremayne Barr, Appellant,

v.

The State of South Carolina, Respondent.

Appellate Case No.: _____
Indictment Nos.: 2018-GS22-00752; 2018-GS22-00753; 2018-GS22-00754;
2018-GS22-00752

Appeal From Georgetown County
Benjamin H. Culbertson, Circuit Court Judge

NOTICE OF MOTION AND MOTION TO FILE OUT OF TIME

COMES NOW The Defendant by and through his undersigned counsel, moving before this Honorable Court to file Defendant's Notice of Appeal in connection with the above captioned matter. This motion is based on the following facts:

The Defendant was charged with Murder, Attempted Armed Robbery; Possession of a Weapon During Violent Crime; and Criminal Conspiracy on July 17, 2018.

This case was called for trial on March 30, 2022. At the conclusion of the trial on April 4, 2022, a jury of Defendant's peers found Defendant guilty of all charges.

Defendant's trial counsel prepared and mailed for filing, Defendant's Notice of Appeal, to the Georgetown County Clerk of General Sessions Court on April 11, 2022. (A copy of which is attached hereto as Exhibit "A").

Defendant's counsel received by mail, the clocked copy of the Notice of Appeal from the Georgetown County Clerk of General Sessions Court on April 18, 2022. Defendant's Notice of Appeal was timely clocked and filed. (A copy of which is attached hereto as Exhibit "B").

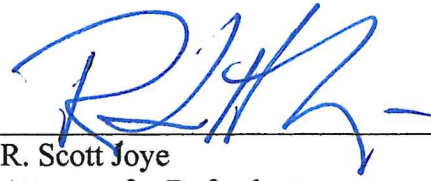
Defendant's counsel then directed staff to mail a clocked copy of Defendant's Notice of Appeal to SCCID Office of Appellate Defense, Senior Solicitor Alicia Richardson, and Defendant. Enclosure letters were prepared and mailed to each recipient above on April 18, 2022. (A copy of which is attached hereto as Exhibit "C").

Defendant's counsel became aware on December 7, 2022, that the Office of Appellate Defense has no record of Defendant's filed Notice of Appeal, and directed counsel to the Court of Appeals for further inquiry. After contacting the Court of Appeals, Defendant's counsel was advised that the Notice of Appeal had not been filed with the Court of Appeals Clerk of Court.

THEREFORE, Defendant's undersigned counsel hereby moves to file the Notice of Appeal, filed with the Georgetown County Clerk of General Sessions Court on April 13, 2022, with the South Carolina Court of Appeals on behalf of Roger Tremayne Barr.

(Signature block on following page)

Respectfully submitted,



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December 7, 2022.