

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County

Diane Schafer Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CESAR PORTILLO,

APPELLANT

APPELLATE CASE NO. 2011-196447

MOTION TO FILE RECORD ON
APPEAL OUT OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests the relaxation of Rule 263(b), SCACR, and allow leave in which to file the Record on Appeal in this case out of time. In support of this motion counsel submits the following.

1. The Initial Brief of Appellate and Designation of Matter in this case were filed with this Court on January 7, 2013.
2. However, my legal assistant was under the impression that the Initial Brief of Respondent and Designation of Matter were to be filed on June 28, 2013 making the Record on Appeal Due to be filed on July 28, 2013. After receiving a phone call from this Court he was

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informed that the Initial Brief of Respondent and Designation of Matter had already been filed on May 29, 2013 making the Record on Appeal due to be filed on June 28, 2013.


3. Counsel has prepared the Record on Appeal and is filing it simultaneously with this motion.

4. Counsel for the Attorney General's office consents to this request as shown by signature below.

5. Counsel makes this request in good faith and not for purpose of delay.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file the Record on Appeal in this case out of time based upon the above exigent circumstances.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

This 10th day of July, 2013.

I Consent:



Mark R. Farthing, Esquire