

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Kristi Lea Harrington, Circuit Court Judge

RECEIVED
SEP 19 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JEROD SWINTON,

APPELLANT

Appellate Case No. 2012-212564

MOTION TO FILE RECORD
ON APPEAL OUT OF TIME

Counsel for Jerod Swinton motions the Court to allow late filing of the record on appeal. In support of this motion she shows:

1. Counsel filed the initial brief of appellant and designation of matter to be included in the record on appeal on June 18, 2013. The initial brief of respondent and designation of matter was due to be filed on September 2, 2013, but respondent actually filed their brief early on August 6, 2013. Therefore, the record on appeal would have been due on September 5, 2013.


2. Due to a technical glitch in our computer database, the record on appeal due date was not updated to reflect September 5, 2013 when the respondent's brief was filed, but

still showed the original due date of October 2, 2013. As a result, a due date of October 2, 2013, for the record on appeal was mistakenly observed.

3. The record on appeal has been prepared and is being filed along with this motion.

4. Counsel for respondent has consented to this request as indicated by her signature below.

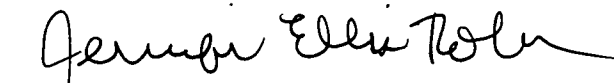
WHEREFORE, the undersigned counsel petitions the Court to allow late filing of the record on appeal.


Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

September 19, 2013

I Consent:


Jennifer Ellis Roberts