

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

DeAndrea G. Benjamin, Circuit Court Judge

ORIGINAL
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SEP 17 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DARIUS DOMONIC MACK,

APPELLANT.

APPELLATE CASE NO. 2012-212105

MOTION TO FILE RECORD ON
APPEAL OUT OF TIME

Counsel for Darius Domonic Mack petitions the Court to allow late filing of the record on appeal in this case. In support of this petition he shows:


1. William C. McKinney, Esquire of Haynesworth, Sinkler & Boyd, P.A. was previously representing Appellant in this matter for the Appellate Project and he filed the initial brief of appellant and designation of matter to be included in the record on appeal on February 3, 2014. The respondent filed the initial brief of respondent and designation of matter on July 21, 2014. Therefore, the record on appeal was due on August 20, 2014.

2. However, Counsel McKinney took a position with the North Carolina Attorney General's Office and informed undersigned counsel he could no longer represent Appellant. Undersigned counsel inadvertently did not timely obtain qualified substitute

counsel but Reid T. Sherard has graciously agreed to take over this case and represent Appellant. Counsel is filing the record on appeal today and asking the Court to grant this Motion Out of Time.

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

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



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

September 17, 2014

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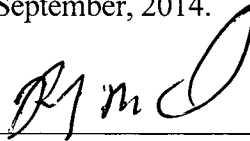
DARIUS DOMONIC MACK,

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APPELLATE CASE NO. 2012-212105

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to File the Record on Appeal Out of Time in the above referenced case has been served upon Mark R. Farthing, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 17th day of September, 2014.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 17th day of September, 2014.

Rhonda Demese Foxworth (L.S.)
Notary Public for South Carolina
My Commission Expires: 10/17/2021