

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

The Honorable Diane S. Goodstein, Circuit Court Judge

RECEIVED
JUN 08 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GERALD BERNARD HALTIWANGER,

APPELLANT

Appellate Case No. 2013-002460

**MOTION TO ACCEPT THE RECORD OF APPEAL
OUT OF TIME**

Pursuant to Rule 240, SCACR, Counsel for Appellant respectfully requests the Court to accept the Record of Appeal in this case out of time. In support of this request, counsel shows:

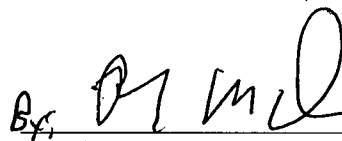
(1) The Record of Appeal was due to be served and filed with this Court on May 22, 2015 in accordance with Rule 210, SCACR.

(2) Appellant's Attorney Heather Scalzo is handling the case pro bono as part of the Appellate Project.

(3) Ms. Scalzo failed to mark the due date on her calendar after receiving the Respondent's brief. She received the brief during the time period where she was moving offices and her files were packed.

(4) Counsel has consulted with opposing Counsel, Alphonso Simon, Jr., and understands that he has no objection to this motion.

WHEREFORE, counsel for Appellant respectfully requests the Court accept the Record of Appeal as filed out of time.



Heather Scalzo
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Robert M. Dudek
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Attorneys for Appellant

June 8, 2015

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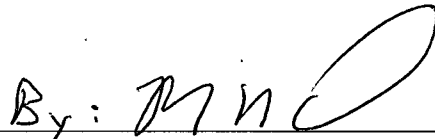
V.

GERALD BERNARD HALTIWANGER,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Accept Record of Appeal Out of Time in the above referenced case has been served upon Alphonso Simon, Jr., Esquire, this 8th day of June, 2015.

By: 

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Attorneys for Appellant

SUBSCRIBED AND SWORN TO before me
this 8th day of June, 2015.

Waino Andrew (L.S.)

Notary Public for South Carolina

My Commission Expires: July 3, 2023.