

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Abbeville County  
Donald B. Hocker, Circuit Court Judge  
\_\_\_\_\_

 ORIGINAL

RECEIVED

MAY 29 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SHAWN PATRICK WHITE,

APPELLANT

APPELLATE CASE NO. 2014-000197  
\_\_\_\_\_

MOTION TO ACCEPT THE FINAL BRIEF OF APPELLANT  
AND FINAL REPLY BRIEF OF APPELLANT AS FILED 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 Final Brief of Appellant and Final Reply Brief of Appellant in this case out of time. In support of this motion counsel submits the following.

1. In this Appellate Pool Case, the Initial Brief of Appellant and Designation of Matter in this case were filed with this Court on December 3, 2014. The Initial Brief of Respondent and Designation of Matter was filed on March 23, 2015. The Record on Appeal was filed on April 16, 2015.

2. However, the Final Briefs were due on May 6, 2015. The Final Briefs were timely forwarded to this office and printed but inadvertently not given to the Chief Appellate Defender for his signature.

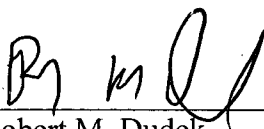
3. Counsel has prepared the Final Brief of Appellant and Final Reply Brief of Appellant and is filing it simultaneously with this motion.

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 Final Brief of Appellant and Final Reply Brief of Appellant in this case out of time based upon the above exigent circumstances.

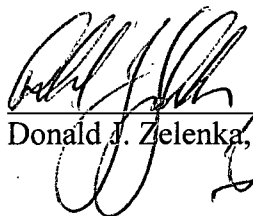
Respectfully submitted,

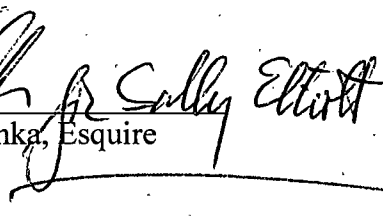
  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 29<sup>th</sup> day of May, 2015.

I Consent:

  
\_\_\_\_\_  
Donald J. Zelenka, Esquire

  
\_\_\_\_\_  
Sally Elliott