

 ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

Kristi Lea Harrington, Circuit Court Judge

RECEIVED

JUL 14 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RYAN P. DELESTON,

APPELLANT

APPELLATE CASE NO. 2013-002224

\_\_\_\_\_  
MOTION TO FILE THE RECORD ON APPEAL  
OUT OF TIME  
\_\_\_\_\_

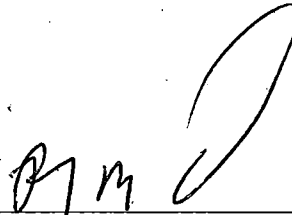
Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel requests relaxation of Rule 210, SCACR, and allow leave in which to file the record on appeal in this case out of time. In support of this petition she shows:

1. On December 3, 2014, undersigned counsel, Robert M. Dudek, with co-counsel Lara Caudy, filed the initial brief of appellant and designation of matter to be included in the record on appeal. The initial brief of respondent and designation of matter were filed on June 9, 2015, and the record on appeal was due on July 9, 2015.
2. Due to a calendaring error by support staff, the record on appeal was calendared to be due July 15, 2015.

3. The record on appeal is being simultaneously filed with this motion.

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

WHEREFORE, the undersigned counsel petitions the Court to grant counsel's request to relax Rule 210, SCACR, and allow leave in which to file the record in the above titled case out of time.



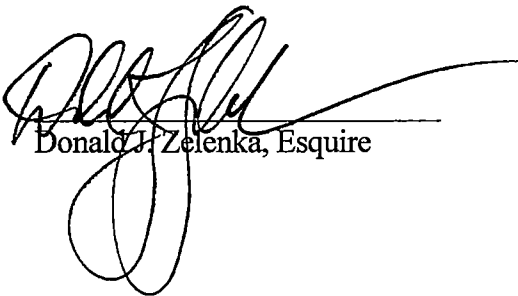
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

July 14, 2015

I do not oppose:



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Donald J. Zelenka, Esquire

STATE OF SOUTH CAROLINA

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THE STATE,

RESPONDENT,

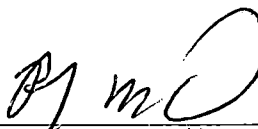
V.

RYAN P. DELESTON,

APPELLANT

CERTIFICATE OF SERVICE

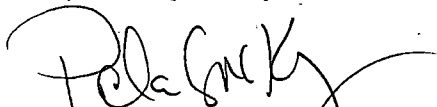
The undersigned attorney hereby certifies that a true copy of the Motion to File the Record on Appeal Out of Time in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 14<sup>th</sup> day of July, 2015.



Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 14<sup>th</sup> day of July, 2015.



(L.S.)

Notary Public for South Carolina  
My Commission Expires: July 24, 2022