

STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APPEAL FROM GREENVILLE COUNTY

OCT 15 2015

James R. Barber, III, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAVARIAS G. TEAGUE,

APPELLANT

APPELLATE CASE NO. 2014-001785

MOTION TO FILE THE RECORD ON APPEAL OUT OF TIME

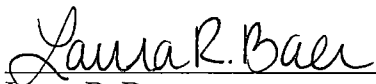
Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel requests relaxation of Rule 210, SCACR. Specifically, counsel requests leave of this Court to file the Record on Appeal in this case out of time.

The Record on Appeal was due on October 12, 2015. Counsel was set to return from maternity leave, which began July 30, 2015, on October 8, 2015. However, state offices in Richland County were closed due to flooding in the area and the county's request for increased water conservation due to damages to the Columbia Canal on October 8 and October 9. In light of the closing, counsel did not return to the office until Monday, October 12, 2015. Although progress was being made on completion of the Record on Appeal, counsel was unable to complete the record in order to file it on

Monday, October 12, 2015. Further, the closing of the office for four out of five business days the prior week and counsel's return from maternity leave required counsel's attention on numerous items of mail and the preparation and filing of the petition for writ of certiorari to the Court of Appeals in the case of Martin Floyd v. State with the Supreme Court on October 12, 2015.

As indicated by her signature below, Susannah R. Cole, Esquire, of the South Carolina Attorney General's Office, consents to this request.

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 on Appeal in the above-referenced case out of time.

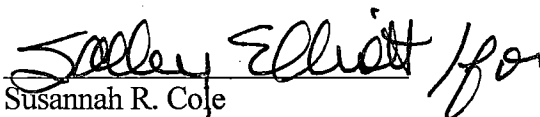


Laura R. Baer
Appellate Defender

ATTORNEY FOR APPELLANT

October 15, 2015

I consent:



Susannah R. Cole
Assistant Attorney General

STATE OF SOUTH CAROLINA

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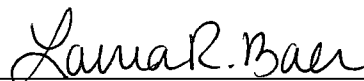
V.

JAVARIAS G. TEAGUE,

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CERTIFICATE OF SERVICE

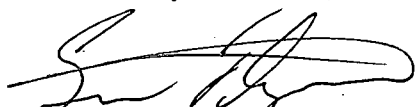
The undersigned attorney hereby certifies that a true copy of the Record on Appeal Out of Time in the above referenced case has been served upon Susannah R. Cole, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 15th day of October, 2015.



Laura R. Baer
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 15th day of October, 2015.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.