

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County
Maite Murphy, Circuit Court Judge

RECEIVED

OCT 20 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RODRIQUEZ J. WOLFE,

APPELLANT

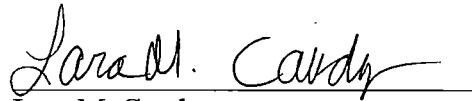
APPELLATE CASE NO. 2015-000433

**MOTION TO FILE THE RECORD ON
APPEAL OUT OF TIME**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR), undersigned counsel requests relaxation of Rule 210, SCACR, and to allow leave in which to file the Record on Appeal in this case out of time. In support of this motion counsel shows:

- (1) On July 7, 2016, undersigned counsel filed the Initial Brief of Appellant and Designation of Matter. On September 15, 2016, the Initial Brief of Respondent and Designation of Matter were filed. The Record on Appeal was due to be served and filed on October 17, 2016.
- (2) Due to an administrative oversight, the Record on Appeal was not timely filed.
- (3) The Record on Appeal is being simultaneously filed with this motion.
- (4) Counsel for Respondent consents to this request as shown by signature below.

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

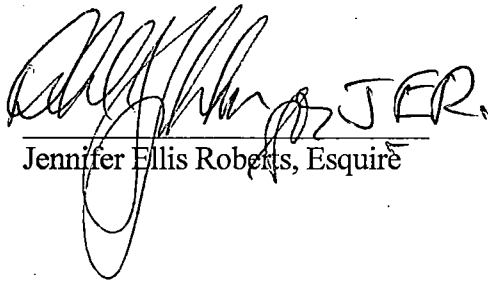


Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

October 20, 2016

I consent:



JER.

Jennifer Ellis Roberts, Esquire

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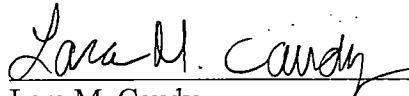
RODRIQUEZ J. WOLFE,

APPELLANT

APPELLATE CASE NO. 2015-000433

CERTIFICATE OF SERVICE

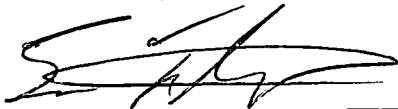
The undersigned attorney hereby certifies that a true copy of the Motion to File the Record on Appeal Out of Time in the above referenced case has been served upon Jennifer Ellis Roberts, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 20th day of October, 2016.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 20th day of October, 2016.



(L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

October 20, 2016

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: The State v. Rodriguez J. Wolfe
Appellate Case No. 2015-000433

Dear Ms. Kitchings:

Enclosed are the original and six copies of the Motion to File a Record on Appeal Out of Time. Thank you for your assistance in this matter.

Sincerely,

Lara M. Caudy
Appellate Defender

LMC/blw

cc: Jennifer Ellis Roberts, Esquire