

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable J. Mark Hayes, II, Circuit Court Judge

ORIGINAL

RECEIVED

DEC 12 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JUSTIN DRU FAILE,

APPELLANT

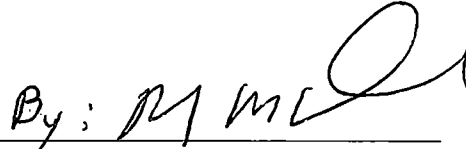
Appellate Case No. 2015-000305

MOTION TO FILE THE RECORD
ON APPEAL OUT OF TIME

Counsel for Justin Dru Faile petitions the Court to allow late filing of the record on appeal in this case. In support of this petition she shows:

1. Due to miscommunication and a calendaring error the Record on Appeal due date was inadvertently overlooked. As a result the Record on Appeal was not filed.
2. The record on appeal has been prepared and is being filed along with this petition.

WHEREFORE, the undersigned counsel petitions the Court to allow late filing of the record on appeal.

By: 

TARA M. EDWARDS-VITOLLO
Co-Counsel
Vitollo Law Firm, LLC
PO Box 42282
North Charleston, SC 29423
(843) 225-3800

ROBERT M. DUDEK
Chief Appellate Defender
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

ATTORNEYS FOR APPELLANT

This 12th day of December, 2016

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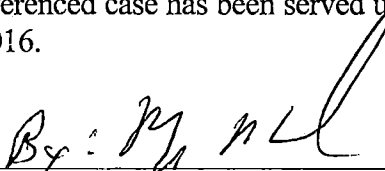
V.

JUSTIN DRU FAILE,

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 Karen C. Ratigan, Esquire, this 12th day of December, 2016.

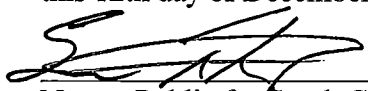
By: 

TARA M. EDWARDS-VITOLLO
Co-Counsel

ROBERT M. DUDEK
Chief Appellate Defender

ATTORNEYS FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 12th day of December, 2016.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.