

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
Court of General Sessions

The Honorable Roger Young, Presiding Judge

INDICTMENT NO(S): 2017GS1000875; 2017GS1000876; 20171000877; 20171000878;  
20171000879; 20171000880

WARRANT NO(S): 2017GS1000875; 2017GS1000876; 20171000877; 20171000878;  
20171000879; 20171000880

STATE OF SOUTH CAROLINA, RESPONDENT

vs.

CARLOS RUIZ, APPELLANT

MOTION TO FILE OUT OF TIME

RECEIVED

FEB 07 2017

SC Court of Appeals

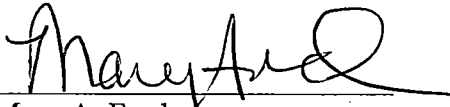
The Defendant requests the Notice of Appeal be filed out of time. Carlos Ruiz was convicted at trial and sentenced on January 13, 2017.

Notice of Appeal was served on the Solicitor on January 18, 2017, and filed with the Clerk of Court in Charleston, SC, on that same day (please see attached documents). The Notice of Appeal was mailed to the Court of Appeals on January 18, 2017, as well. In addition, a copy of the notice was mailed to Appellate Defense on January 18, 2017. It has come to Appellant's counsel's attention that said paperwork was not received by the Court of Appeals.

Therefore, Defendant respectfully requests the Notice of Appeal be filed out of time, since opposing counsel was properly and timely served with Notice of Appeal.

February 3, 2017

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mary A. Ford", written over a horizontal line.

Mary A. Ford  
Bar Number 073776  
Assistant Public Defender  
Attorney for Carlos Ruiz  
Charleston County Public Defender's Office  
101 Meeting Street, Suite 500  
Charleston, South Carolina 29401  
(843) 958-1850

**Amber S. Simmons**

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**From:** Mary Ford  
**Sent:** Friday, February 03, 2017 10:18 AM  
**To:** 'Paula Murdoch'  
**Cc:** Amber S. Simmons  
**Subject:** RE: The State v. Carlos A. Ruiz

RECEIVED

FEB 07 2017

SC Court of Appeals

Hello,

My paralegal Amber (cc'd) sent it the same day we sent it to your office. So I'm not sure what happened to it. We can file it again w/ a motion.

Mary

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**From:** Paula Murdoch [mailto:pmurdoch@sccid.sc.gov]  
**Sent:** Friday, February 03, 2017 10:09 AM  
**To:** Mary Ford  
**Subject:** FW: The State v. Carlos A. Ruiz

Good morning, Ms. Ford

I contacted the Court of Appeals and Ms. informed me that they have not received the original notice of appeal.

Do you have a clocked copy of the notice of appeal?

Below is her response to my inquiry.

Paula Murdoch  
 Appellate Defense Division

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**From:** Amick - Cassidy, Monica [mailto:MAmick@scccourts.org]  
**Sent:** Thursday, February 02, 2017 2:26 PM  
**To:** Paula Murdoch  
**Subject:** RE: The State v. Carlos A. Ruiz

Hey, Paula! I'm sorry it's taken so long to get back to you on this one.

I have looked over my desk and the records I keep on notices of appeal that get filed and I don't see this one anywhere. As long as the attorney served it on opposing counsel within the correct time limits, they can still file it here with a motion to file it late.

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**From:** Paula Murdoch [mailto:pmurdoch@sccid.sc.gov]  
**Sent:** Wednesday, February 01, 2017 9:08 AM  
**To:** Amick - Cassidy, Monica  
**Subject:** The State v. Carlos A. Ruiz

Good morning, Monica

I received copy of a notice of appeal for Carlos A. Ruiz in January 23, 2017.  
Did the Court receive the original notice of appeal?  
Please let me know. Thank you.

Paula Murdoch  
Appellate Defense Division

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