

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAR 08 2017

SC Court of Appeals

Appeal from Richland County

Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EMMANUEL BASHAN ELLEBY,

APPELLANT

APPELLATE CASE NO 2015-002620

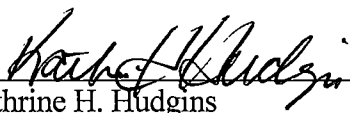
MOTION TO FILE THE RECORD ON APPEAL OUT OF TIME

Counsel for Emmanuel Bashan Elleby, respectfully moves the Court to allow the Record on Appeal to be filed out of time. In support of this petition, counsel shows:

- (1) The Initial Brief of Appellant was filed on November 4, 2016.
- (2) The Initial Brief of Respondent was filed on February 3, 2017.
- (3) The Record on Appeal was due to be filed on March 3, 2017. Due to an administrative oversight, the Record on Appeal was not filed on March 3, 2017.
- (4) Counsel contacted opposing counsel, Ranee Saunders, Esquire, of the Attorney General's Office, and she does not oppose this motion.

Counsel for appellant respectfully requests that the Court allow the Record on Appeal to be filed out of time.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender

This 8th day of March, 2017.

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Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

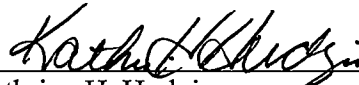
V.

EMMANUEL BASHAN ELLEBY,

APPELLANT

CERTIFICATE OF SERVICE

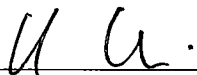
The undersigned attorney hereby certifies that a true copy of the Motion to File the Record on Appeal Out of Time in the above referenced case has been served upon opposing counsel, J. Benjamin Aplin, Esquire this 8th day of March, 2017.



Kathrine H. Hudgins
Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 8th day of March, 2017



(L.S.)
Notary Public for South Carolina
My Commission Expires: March 8, 2017.