

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Deadra L. Jefferson Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

v.

WILLIE HORRY,

APPELLANT

Appellate Case No. 2010-163348

MOTION TO ACCEPT THE RECORD ON APPEAL
AS FILED OUT OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests the relaxation of Rule 263(b), SCACR, and allow leave in which to file the Record on Appeal in this case out of time. In support of this motion counsel submits the following:

1. The Initial Brief of Appellant in this case was filed with this Court on December 21, 2011, and Initial Brief of Respondent in this case was filed with this Court on September 27, 2012.
2. Counsel acknowledges that the Record on Appeal should have been filed on October 29, 2012. However, due to an internal clerical error in our database recording the date

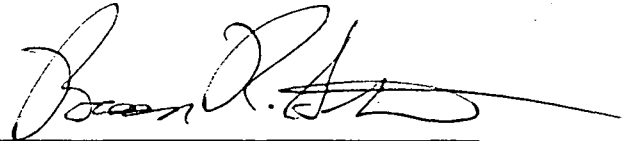
on which Initial Brief of Respondent was filed, the filing date for the Record on Appeal was inadvertently miscalendared. Counsel has prepared the Record on Appeal, and is filing it simultaneously with this motion.

3. Counsel for the Attorney General's office consents to this request as shown by his signature below.

4. Counsel makes this request in good faith and not for purpose of delay.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file the Record on Appeal in this case out of time based upon the above exigent circumstances.

Respectfully submitted,



BREEN RICHARD STEVENS
Appellate Defender

ATTORNEY FOR APPELLANT

This 27th day of November, 2012.

I Consent:

William M. Blich, Jr., Esquire