

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Dorchester County
Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FELIX KOTOWSKI,

APPELLANT

APPELLATE CASE NO. 2016-000842

RECEIVED

JUL 08 2017

MOTION TO FILE THE RECORD ON APPEAL
OUT OF TIME

SC Court of Appeals

Pursuant to Rule 240, SCACR, Counsel for Felix Kotowski respectfully requests the Court to relax Rule 210, SCACR, and accept the Record on Appeal in this case out of time.

In support of this request, counsel shows:

1. On November 3, 2016, undersigned counsel filed the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. On April 26, 2017, opposing counsel filed the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal.

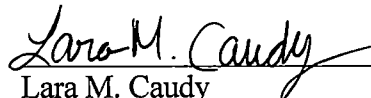
2. The Record on Appeal was due to be served and filed with this Court on May 26, 2017 in accordance with Rule 210, SCACR.

3. Due to a calendaring error, the Record on Appeal was inadvertently not timely filed. Counsel acted immediately upon realizing the error.

4. The Record on Appeal is being simultaneously filed with this motion.

4. Counsel for the Attorney General's Office consents to this request shown by signature below.

WHEREFORE, undersigned counsel respectfully requests the Court to relax Rule 210, SCACR, and accept the Record on Appeal in the above referenced case out of time.

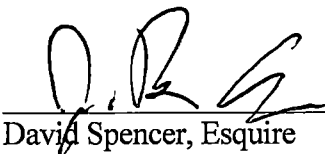


Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

July 6, 2017

I do not oppose:



David Spencer, Esquire

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IN THE COURT OF APPEALS

Appeal from Dorchester County
Maite Murphy, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

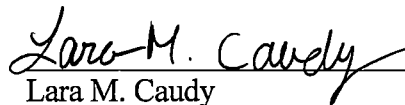
V.

FELIX KOTOWSKI,

APPELLANT

CERTIFICATE OF SERVICE

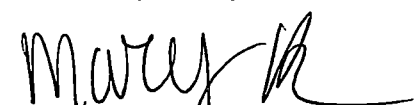
The undersigned attorney hereby certifies that a true copy of the Motion to File the Record on Appeal Out of Time in the above referenced case has been served upon David Spencer, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 6th day of July, 2017.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 6th day of July, 2017.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: May 12, 2027.