

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable George M. McFaddin, Circuit Court Judge

**ORIGINAL
RECEIVED**

AUG 20 2019

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LEVANCE DUNHAM,

APPELLANT

Appellate Case No. 2018-001438

MOTION TO FILE THE RECORD ON APPEAL
OUT OF TIME

Pursuant to Rule 240, SCACR, Counsel for Levance Dunham 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 April 5, 2019, undersigned counsel filed the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. On June 20, 2019, 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 July 22, 2019 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.



KATHRINE HUDGINS
Appellate Defender
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

ATTORNEY FOR APPELLANT

August 20, 2019

I do not oppose:



for Joshua A. Edwards, Esquire

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THE STATE,

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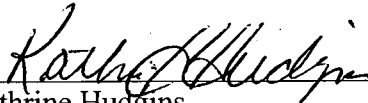
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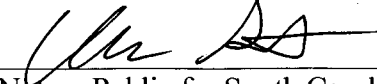
CERTIFICATE OF SERVICE

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 Joshua A. Edwards, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 20th day of August, 2019.


Kathrine Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 20th day of August, 2019.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 26, 2019