

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**ORIGINAL**

\_\_\_\_\_  
Appeal from Fairfield County

Thomas A. Russo, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

DAVID ALLEN TINDAL, JR.,

APPELLANT

APPELLATE CASE NO. 2018-001213  
\_\_\_\_\_

MOTION TO FILE THE RECORD ON APPEAL  
OUT OF TIME  
\_\_\_\_\_

**RECEIVED**  
OCT 14 2019  
SC Court of Appeals

Pursuant to Rule 240, SCACR, Counsel for David Allen Tindal, Jr. 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 March 20, 2019, undersigned counsel filed the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. On July 16, 2019, opposing counsel filed the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal.

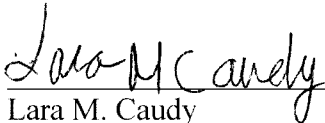
2. The Record on Appeal was due to be served and filed with this Court on August 15, 2019 in accordance with Rule 210, SCACR.

3. Due to an administrative 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 as shown by signature below.

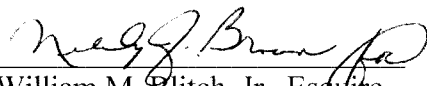
WHEREFORE, undersigned counsel respectfully requests the Court to relax Rule 210, SCACR, and accept the Record on Appeal in the above referenced case out of time.

  
\_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

October 14, 2019

I do not oppose:

  
\_\_\_\_\_  
William M. Blich, Jr., Esquire

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Fairfield County  
Thomas A. Russo, Circuit Court Judge  
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THE STATE,

RESPONDENT,

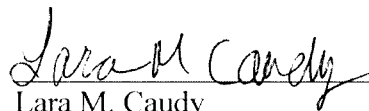
V.

DAVID ALLEN TINDAL, JR.,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

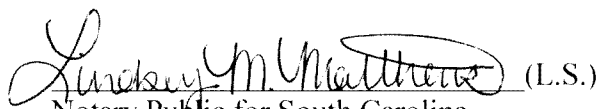
The undersigned attorney hereby certifies that a true copy of the Motion to File the Record on Appeal Out of Time in the above referenced case has been served upon William M. Blich, Jr., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 14th day of October, 2019.



\_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 14th day of October, 2019.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: October 22, 2024.