

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Orangeburg County

L. Casey Manning, Circuit Court Judge

2003-CP-38-0359

CHARLES O. SHULER,

APPELLANT,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

MOTION TO ACCEPT LATE FILING OF THE NOTICE OF INTENT TO APPEAL

Counsel for Charles Shuler respectfully moves to file the notice of intent to appeal out of time. On January 7, 2013, the Honorable L. Casey Manning denied Appellant's Motion to Later or Amend Judgment pursuant to Rule 59, SCRPC. On January 17, 2013, Counsel for Mr. Shuler received notice of the Court's ruling. On February 11, 2013, Appellant filed A Notice of Appeal with the Orangeburg County Clerk of Court. A copy of the notice of intent to appeal and the certificate of service is attached and made part of this motion. It appears, however, that the notice of intent to appeal was not filed in the South Carolina Supreme Court.

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S.C. Supreme Court

Based on the fact that the notice of intent was timely served but not filed, counsel respectfully moves this Court to allow late filing of the notice of intent to appeal. By his signature below, Chief Deputy Assistant Attorney General, Donald J. Zelenka, consents to this motion.

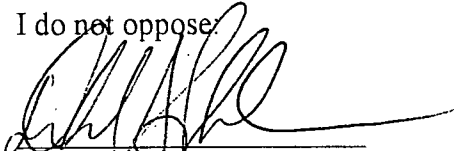


Melissa J. Armstrong

ATTORNEY FOR APPELLANT

March 13, 2013

I do not oppose.



Donald J. Zelenka