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**Feb 23 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Commons Pleas

Alison Renee Lee, Circuit Court Judge

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Case No. 2019-CP-40-01299  
Appellate Case No. 2022-000447

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Christopher Shimeld,

Appellant,

v.

Richland County Sheriff's Office,

Respondent.

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**MOTION FOR LEAVE TO FILE OUT OF TIME**

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The Appellant, through his undersigned counsel, respectfully requests this Court grant leave to accept the initial reply brief in this matter out of time for the following reasons.

The initial brief of Respondent was served on Appellant's counsel on February 6, 2023 at 10:35 p.m. Counsel calculated the due date for the reply brief as Friday, February 17, 2023.

Counsel was unable to complete the brief by the deadline for several reasons. He had general sessions court February 16-17 and a federal sentencing on February 21. He also had a sick child on February 16 and 17 and missed some work to take care of her.

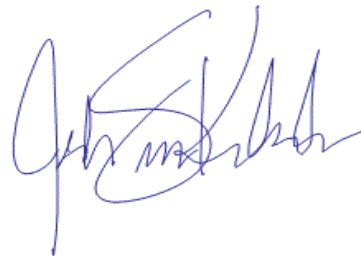
These events prevented counsel from completing the brief by the deadline. However, the brief is now completed and filed with this motion. Counsel attempted to consult with opposing counsel and did not receive a response as to any objection by the Respondent. However, counsel and Respondent's counsel have had other appeals together and generally work together on scheduling matters and neither has objected to

the other's request for any extensions. Additionally, counting the President's Day holiday, this brief is only a few days late.

Based on the short period of delay as well as the important appellate rights at stake in this case, counsel believes the short delay does not prejudice either party or interfere with the operations of this Court.

Appellant respectfully requests this Court accept the initial brief out of time and consider it timely filed today.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joshua Snow Kendrick", written in a cursive style.

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February 23, 2023  
Greenville, South Carolina