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MAY 25 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Hon. William P. Keesley, Circuit Court Judge

Appellate Case No. 2022-001749

James John Todd Kincannon,

Appellant,

v.

Ashely Suzanne Griffith,

Respondent.

**APPELLANT'S SECOND REQUEST FOR EXTENSION  
TO FILE INITIAL BRIEF PURSUANT TO THE  
AMERICANS WITH DISABILITIES ACT**

Other Counsel of Record:

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Appellant Pro Se

**APPELLANT'S SECOND REQUEST FOR EXTENSION  
TO FILE INITIAL BRIEF PURSUANT TO THE  
AMERICANS WITH DISABILITIES ACT**

Appellant James John Todd Kincannon respectfully requests an additional one week extension to complete, serve, and file the Appellant's Initial Brief in this matter, extending the deadline from May 22, 2023 to May 30, 2023 (due to Memorial Day on May 29th). This request is an accommodation request pursuant to the Americans with Disabilities Act, based on Appellant's bipolar disorder.

Appellant diligently worked on the brief during the original deadline period and continued diligently working during the extended deadline period, and has presently completed about 90% of the brief. The reason Appellant is still not finished is that for substantially all of the week of May 7th, Appellant was in a severely depressed state due to his bipolar disorder and unable to do any meaningful work whatsoever.

Appellant is aware that the Court's prior extension order indicated that additional extensions would only be available in an exceptional situation. Appellant respectfully submits that his bipolar disorder sometimes causes exceptional periods of depression that render Appellant unable to do any sort of meaningful work, and that is what happened to Appellant the week of May 7th. Appellant respectfully seeks the Court's indulgence on this matter and would not do so if it were at all avoidable. As demonstrated by Appellant's previous filings in a different appeal involving these same parties, Kincannon v. Griffith, Appellate Case No. 2019-001501, Appellant often needs extensions but Appellant always completes all necessary filings.

Also, Appellant greatly appreciates this Court's previous grace regarding his psychiatric disabilities and need for extensions. Appellant would not request them if it were possible for him to complete the necessary filings in the ordinary time period.

**FEE ISSUE**


Appellant would also respectfully ask the Court to relieve him of the filing fee for this filing as it is based on his disability status and is not an ordinary motion. The Court has the authority to do so per Rule 240(d), SCACR, which permits fee relief in extraordinary cases. Appellant would also respectfully submit that the Supreme Court does not appear to charge filing fees for ADA accommodation requests.<sup>1</sup> However, if the Court determines that the fee must be paid, Appellant will certainly submit the fee.

**CONCLUSION**

Appellant greatly appreciates the Court's attention to this matter. It is extremely embarrassing for this pro se Appellant to make such filings regarding Appellant's psychiatric disabilities. Appellant would not trouble the Court with these requests if it were at all possible for Appellant to complete his filings in the ordinary time-frame.

May 22, 2022

Respectfully submitted,

  
s/James John Todd Kincannon

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<sup>1</sup> Appellant recently sought and obtained an extension of time relating to a petition for writ of certiorari in Kincannon v. Griffith, Appellate Case No. 2019-001501 (which was given a new case number by the Supreme Court of Appellate Case No. 2023-000607). This was an ADA accommodation request based on Appellant's psychiatric disabilities. The Supreme Court granted Appellant's request and did not charge Appellant a filing fee.

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CERTIFICATE OF SERVICE

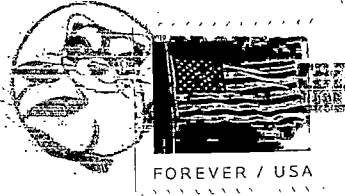
The undersigned Appellant hereby certifies that he has, on the date below, properly served the foregoing on opposing counsel.

May 22, 2022

  
s/James John Todd Kincannon  
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South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29211

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