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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Dorchester County Court of Common Pleas
The Honorable Heath P. Taylor, Circuit Court Judge

App. Case No. 2023-000509

Justen Lee Wilkes, # 00375739Petitioner,

v.

The State of South Carolina.....Respondent

SECOND MOTION FOR EXTENSION

The Petitioner, Justen Lee Wilkes, by and through undersigned counsel, hereby moves for an extension to order the PCR hearing transcript.

Last month, Undersigned requested an extension to order the PCR hearing transcript, or in the alternative, to hold the appeal in abeyance to allow time for Mr. Wilkes to arrange for appellate representation.

The representation agreement between Mr. Wilkes and Counsel’s office had been for the PCR only and an outstanding balance has remained on his account for over a year or so approximately. Counsel requested the initial extension after setting up a Webex meeting with Mr. Wilkes to address his lack of response to Counsel’s letter about his appeal and the need to either retain other counsel or complete the process for SCCID appellate representation. At that time, Mr.

Wilkes had been transferred to Broad River due to being on suicide watch. From observing his behavior and statements during the Webex meeting, Mr. Wilkes did not appear to be in a state of mind to make an arrangement regarding his appeal.

Mr. Wilkes has since been transferred back from the secured mental health facilities at Broad River but has not yet retained other counsel or completed the SCCID Affidavit. Counsel's office has also requested Mr. Wilkes's family to impress upon him the need to complete the SCCID process in lieu of other private counsel. Counsel now requests an additional extension to allow Counsel to again advise Mr. Wilkes about this matter and the pressing time constraints.

This extension request is made in furtherance of safeguarding Mr. Wilkes's interests in pursuing a PCR appeal and is not intended to cause undue delay or inconvenience.

WHEREFORE Counsel respectfully moves to extend the time to order the PCR hearing transcript.

Respectfully submitted,

William G. Yarborough, III

Lauren Carole Hobbis

By: s/ Lauren C. Hobbis, #103190

William G. Yarborough III, Attorney at Law, LLC

308 West Stone Avenue

Greenville, South Carolina 29609

(864) 331-1612