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Dec 06 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
Frank R. Addy, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SCOTTY J. FOWLER,

APPELLANT.

Appellate Case No.: 2023-000501

Unopposed Petition to Reinstate the Appeal

Appellant through his Counsel, Tristan M. Shaffer, respectfully requests that this Court reinstate his appeal pursuant to Rule 260, SCACR. In support of this motion, Counsel would respectfully show the following:

1. The Initial Brief and Designation of Matter in this case was initially due on September 25, 2023. However, this Court graciously granted an extension until October 25, 2023.
2. In October 2023, Counsel accepted a new job leaving his employment with Adams & Bischoff, LLC. As part of this change in job, Counsel transitioned back to an email and calendaring system that he had prior to working with Adams & Bischoff, LLC. The deadline for the extension request did not appear on Mr. Shaffer's new calendaring system.

3. In the last two months, Counsel has been especially busy. In addition to leaving employment with Adams & Bischoff, LLC, Counsel has had to prepare three different General Sessions cases that were scheduled to be tried the following weeks: October 23, 2023; October 30, 2023; and November 27, 2023. Especially taxing on Counsel's time was the Felony DUI Involving Death case which was called to trial the week of November 27, 2023. Counsel began representing the Felony DUI client on October 16, 2023. That case involved extensive pre-trial litigation with hearings on 4 different days prior to picking a jury. It also involved over 50 pages of pretrial motions written by the defense. The Felony DUI case resolved on November 30, 2023.

4. This request is made in good faith, and not for purposes of delay.

5. Counsel has communicated with Respondent's Counsel who does not oppose this request.

6. Should the Court grant this request, Counsel would request an additional 7 days from the date of the order reinstating the appeal to file the Initial Brief and Designation of Matter.

THEREFORE, Counsel respectfully requests that this Court reinstate Appellant's Appeal. Counsel requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be extended until 7 days after a ruling on this motion.

December 6, 2023

s/ Tristan Shaffer
Tristan M. Shaffer (SC Bar 77565)
PO Box 1135
Irmo, SC 29063
(803) 626-0188
tristan@shafferlawsc.com
Attorney for Appellant

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Certificate of Service

I certify that on the date below I served the Unopposed Petition to Reinstate the Appeal on The State of South Carolina by e-mailing a copy to the Respondent at the address below.

December 6, 2023

s/ Tristan Shaffer
Tristan M. Shaffer (SC Bar 77565)
P.O. Box 1135
Irmo, SC 29063
(803) 626-0188
tristan@shafferlawsc.com
Attorney for Appellant

Respondent's Attorney:
Mark Farthing
S.C. Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
mfarthing@scag.gov



Tristan Shaffer <tristan@shafferlawsc.com>

The State v. Fowler - #2023-000501

Tristan Shaffer <tristan@shafferlawsc.com>

To: Mark Farthing <mfarthing@scaq.gov>

Wed, Dec 6, 2023 at 8:55 AM

Mark,

Please find the attached motion to reinstate the appeal.

Thank you.

[Quoted text hidden]

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Tristan M. Shaffer

 **Reinstate Appeal Scotty Fowler.pdf**
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