

**RECEIVED**

**Feb 13 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

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Donald C. Hocker, Circuit Court Judge

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Appellate Case No. 2026-000080

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The State,

v.

Juan Camilo Tobon

Respondent,

Appellant

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MOTION FOR LEAVE TO FILE OUTSIDE TIME LIMITS

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Undersigned counsel would respectfully move for and request an order from the court accepting the filings of appellant after applicable time limits.

In support of this motion, counsel would respectfully show the Court the following:

Appellant's case was presented to a Spartanburg County jury during the term of General Sessions Court beginning December 8, 2025. In the early evening of December 10, 2025 (after normal business hours), the jury returned guilty verdicts as to both indictments presented. On December 19, 2025, appellant served his notice of appeal on opposing counsel and copies of the notice of appeal and other appellate paperwork were packaged for mailing to the South Carolina Court of Appeals.

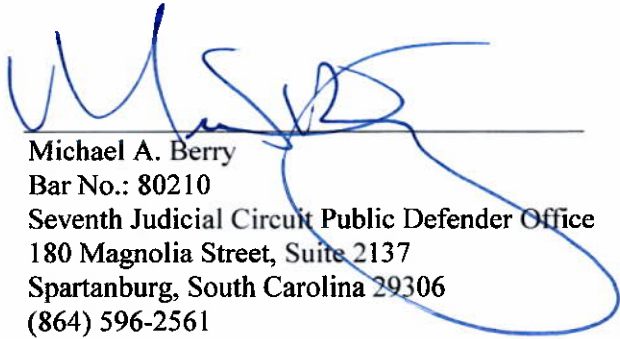
At some point before January 2, 2026, the package intended for delivery to the South Carolina Court of Appeals was returned to the Spartanburg County Public Defender's Office. Counsel was not made aware of the returned package until receipt of the Court of Appeals Deficiency Letter received on January 14, 2026 or the reason for its return. Upon inquiry with administrative staff in appellant's counsel's office, it was determined upon the package being returned to the Spartanburg Public Defender's Office, staff examined the package and documents

enclosed and determined the originals had not been filed and clocked in the Spartanburg County Clerk of Court's Office. These documents were immediately clocked and according to staff were repackaged and send to the Court of Appeals on January 2, 2026.

Upon receiving the Courts deficiency letter on January 14, 2026, I requested appellant's file from storage to investigate the matter, but was later informed by staff that the original envelope from December 19, 2025 was enclosed in the new mailing to the Court of Appeals on January 2, 2026.

Counsel would submit this delay was not intentional and when made aware of the deficiency on January 14, 2026, counsel for appellant began investigating the matter. Counsel also points to the fact that copies of the notice of appeal and appellants letter to the Court of Appeals were copied and mailed to opposing counsel and other interested parties on December 19, 2025 as well.

Respectfully submitted,



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(864) 596-2561  
Attorney for Appellant

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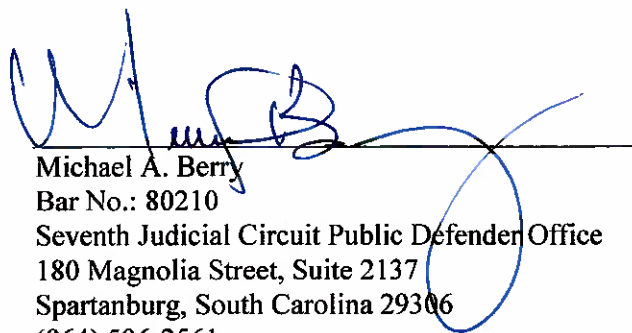
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PROOF OF SERVICE

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I certify that I have served the Motion for Leave to File Outside Time Limits on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on February 13, 2026, addressed to its attorney of record, the Honorable Barry J. Barnette, 180 Magnolia Street, Spartanburg, South Carolina 29306 and the Honorable Alan M. Wilson, P.O. Box 11549, Columbia, South Carolina 29211.

February 13, 2026

  
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