RECEIVED
Nov 13 2026
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM PICKENS COUNTY
Court of General Sessions

Jessica A. Salvini, Circuit Judge

Appellate Case No. 2025-002334

The State of South Carolina, Respondent,

v.

Benjamin Allen Wemp,

Appellant.

APPELLANT'S MOTION FOR LEAVE TO FILE OUT OF TIME AND FOR AN EXTENSION

NOW COMES THE APPELLANT, by and through undersigned counsel of record, and moves pursuant to Rule 240, *SCACR*, for an Order of the Court granting Appellant leave to file the Record on Appeal and Final Briefs out of time, and for an Order extending the time within which to file said Record on Appeal and Final Briefs. In support thereof Appellant would respectfully show unto the Court:

1. Appellant is appealing his conviction in the Court of General Sessions for Pickens County of Possession of a Firearm on School Property in violation of S.C. Code Ann. § 16-23-420.
2. Appellant filed his Notice of Appeal with this Court pursuant to S.C. Code Ann. § 14-8-200(b)(3) and Rule 203(d)(1)(A)(ii), *SCACR*, as Appellant has asserted that the final

judgment below involves a challenge on state and federal grounds to the constitutionality of a state statute.

3. Appellant and Respondent have both served and filed their Initial Briefs and Designation of Matter, and Appellant further served and filed a Reply Brief.
4. Pursuant to Rule 210(a)-(b), *SCACR*, Appellant was required to have served and filed the Record on Appeal and his Final Briefs no later than November 9, 2026.
5. Due to a scheduling oversight on the part of undersigned counsel, Appellant failed to serve and file the Record on Appeal and Final Briefs by November 9, 2026.
6. Undersigned counsel for the Appellant expresses his sincerest apologies to this Court and to the Respondent for that oversight, and has taken appropriate steps to ensure such a deadline is not missed again.
7. Undersigned counsel for the Appellant is in the process of compiling the Record on Appeal, preparing the Final Briefs, and arranging for said Final Briefs to be bound in accordance with the provisions of Rule 267, *SCACR*.
8. Appellant therefore prays for an Order of the Court granting Appellant leave to file the Record on Appeal, Final Briefs, and bound copies out of time.
9. Appellant further prays for an Order of the Court extending the time for the Appellant to serve and file the Record on Appeal and Final Briefs until November 30, 2026, and allowing until December 10, 2026, for Appellant to file the ten (10) bound copies of the Record on Appeal and Final Briefs pursuant to the Court's letter dated October 9, 2026.

Respectfully submitted,

s/W.H. McAbee III

Willie H. McAbee III (S.C. Bar #103662)
Samuel B. Tooker (S.C. Bar #78999)
DAVID R. PRICE, JR., P.A.
1001 East Washington Street (29601)
Post Office Box 2446
Greenville, South Carolina 29602
(864) 271-2636 – Telephone
(862) 271-2637 – Facsimile
Will@GreenvilleLegal.com
Attorneys for the Appellant

Date: November 13, 2026
Greenville, South Carolina

Other Counsel of Record:
Brian H. Gibbs, Esq., Assistant Attorney General