

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM GEORGETOWN COUNTY  
Court of General Sessions

William H. Seals Jr., Circuit Court Judge

---

Appellate Case No. 2016-002166

---

The State,

Respondent,

v.

Gerald Lewis,

Appellant.

---

NOTICE OF MOTION AND MOTION TO ALLOW LATE FILING

---

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Appellant moves this Court for an Order to allow Appellant's late filing of the appeal in the captioned case. The basis of this motion is that as a consequence of the October 2015 flood in Georgetown County, South Carolina, Appellant attorney's office was significantly damaged and has been in continuing repair ever since. Because of this, Appellant attorney's law office has been in temporary quarters since the above-mentioned flood. Furthermore, the recent Hurricane of 2016 (Matthew) has caused significant damage to Appellant attorney's home to include the tide rising and falling for a week damaging the first floor of Appellant attorney's home.

An AFFIDAVIT OF SERVICE BY MAIL of Appellant's NOTICE OF APPEAL was sent and signed on October 18, 2016. The last day for filing this document was October 17, 2016. Also, the letter from the South Carolina Court of Appeals regarding late filing was mailed

**RECEIVED**

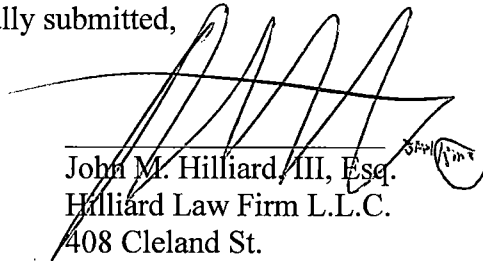
NOV 18 2016

**SC Court of Appeals**

to the Appellant attorney's office street address that is still under repair. Because of this, said document was then forwarded to Appellant attorney's office P.O. Box address causing it to not be received in a timely manner.

WHEREFORE, undersigned council respectfully requests this Court issue its Order accepting the Appellant's Notice of Appeal.

Respectfully submitted,



John M. Hilliard, III, Esq.  
Hilliard Law Firm L.L.C.  
408 Cleland St.  
Post Office Box 658  
Georgetown, SC 29442  
(843) 527-1500  
Attorney for Appellant

Other Counsel of Record:  
J. Austin Thomas  
Fifteenth Circuit Solicitor's Office  
401 Cleland Street  
Georgetown, SC 29440-3200  
(843) 545-3173  
Attorney for Respondent

# Hilliard Law Firm, LLC

Post Office Box 658  
408 Cleland Street  
Georgetown, South Carolina 29442  
Telephone (843)527-1500  
Facsimile (843)527-1400  
hilliardlawfirm.com

*John M. Hilliard, III, Esq.*

*john@hilliardlawfirm.com*

November 15, 2016

The South Carolina Court of Appeals  
Attn: Clerk of Court  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

NOV 18 2016

SC Court of Appeals

Re: *State v. Gerald Lewis*  
Appellate Case No. *2016-002166*

Dear Madam Clerk:

Please find enclosed a **NOTICE OF MOTION AND MOTION TO ALLOW LATE FILING** in the above captioned case. Copies have been provided as indicated below. Thank you for your consideration.

Sincerely,

John M. Hilliard, III



cc: Alan McCrory Wilson, Esquire  
John Benjamin Aplin, Esquire  
James Austin Thomas, Esquire  
Robert Michael Dudek, Esquire

P

US POSTAGE AND FEES PAID  
PRIORITY MAIL  
Nov 15 2016  
Mailed from ZIP 29440  
PM Flat Rate Env



endicia.com

CommercialPlusPrice

071800859221

**PRIORITY MAIL 2-DAY**

HILLIARD LAW FIRM, LLC  
61 DUNCEE LANE  
GEORGETOWN SC 29440-3641

0024

SHIP TO:

SC COURT OF APPEALS  
SC COURT OF APPEALS  
PO BOX 11629  
COLUMBIA SC 29211-1611

**USPS TRACKING #**



9405 5102 0088 3251 0362 73

VIS



SEE NOTICE ON REVERSE regarding UPS Terms, and notice of limitation of liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodities, technology or software were exported from the US in accordance with the Export Administration Regulations. Diversion contrary to law is prohibited. IR0416

ORDER FREE SUPPLIES ONLINE

**UNITED STATES  
POSTAL SERVICE**