

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Pickens County

The Honorable Perry H Gravely  
\_\_\_\_\_

**RECEIVED**  
MAY 31 2018  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAVID SCOTT BAGWELL,

APPELLANT,

Appellate Case No.: 2017-001844,

**MOTION TO FILE OUT OF TIME AND MOTION FOR EXTENSION OF  
TIME TO FILE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER**

Appellant, David Scott Bagwell, moves this Court for an additional forty-five (45) day extension of time in which to file the Initial Brief of Appellant and Designation of Matter to be filed May 25, 2018. This is Appellant's Fourth request for an Extension of Time and second such request since undersigned counsel was appointed to this case.

Undersigned Counsel was appointed to represent Appellant as part of the 2018 Appellate Practice Project, conducted with the South Carolina Bar and the Division of Appellate Defense. Undersigned Counsel has not been able to obtain a copy of State's Exhibit 2 which is the video recording of the victim's forensic interview. Undersigned counsel has requested a copy of the Exhibit from the Pickens County Clerk of Court's Office and Office of Appellate Defense. As of this date counsel has not received a copy of the exhibit nor been provided information when to


expect to receive it. Counsel is informed and believes that testimony the jury heard from the video was an essential element of the State's case-in-chief. Counsel is unable to prepare Appellant's brief without first reviewing a copy of the Exhibit. Counsel has two jury trials in General Sessions courts in June 2018; *State v Trey Coleman*, is set for trial the week of June 11, 2018 in Charleston County and *State v. Ronald Andrews*, is set for trial the week of June 18, 2018 in Dorchester County.

THEREFORE, undersigned counsel for Appellant respectfully requests leave to file out of time to seek an extension and an additional extension of 45 days to complete the Initial Brief of Appellant and Designation of Matter.

Respectfully, Submitted.

JAMES K FALK  
Appellant's appointed Counsel

Robert M Dudek  
Chief Appellate Defender

By:   
JAMES K FALK  
S.C Bar No. 80125

PO Box 1058  
Charleston, SC 29402  
(843) 606 6007  
(843) 557 8786  
jfalklaw@gmail.com

ATTORNEYS FOR APPELLANT

April 28, 2018  
Charleston, South Carolina

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Pickens County

The Honorable Perry H Gravely

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Appellate Case No.: 2017-001844,

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POOF OF SERVICE

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I, James K Falk certify that I have served Appellant's Motion to File out of Time and Motion for Extension of Time to File Initial Brief of Appellant and Designation of Matter on counsel for Respondent, by depositing one copy of same in the United States mail, postage prepaid, to counsel for respondent, addresses as follows:

Alan McCrory Wilson, Esquire  
Attorney General of South Carolina  
S.C. Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211-1549

John Benjamin Aplin, Esquire  
S.C. Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211-1549

This April 28, 2018

A handwritten signature in black ink, appearing to read "Jeffrey Falk", is written over a solid horizontal line.

S.C Bar No. 80125  
PO Box 1058  
Charleston, SC 29402  
(843) 606 6007  
(843) 557 8786  
jfalklaw@gmail.com

ATTORNEY FOR APPELLANT

# FALK LAW FIRM, LLC.

James K. Falk

PH (843) 606-6007

FAX (843) 972 9005

jfalklaw@gmail.com

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May 28, 2018

The Honorable Jenny A Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: The State v. David Scott Bagwell  
Appeal from Pickens County  
Appellate Case No. 2017-001844


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Dear Ms. Kitchings:

Please find the original and one copy of Appellant's Motion to File Out of Time and Motion for Extension of Time to File Initial Brief of Appellant and Designation of Matter, together with a Proof of Service in the above case.

Thank you for your assistance in this matter.

Sincerely Yours

  
James Falk

CC:

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire

Robert M Dudek, Esquire

David Scott Bagwell 373733

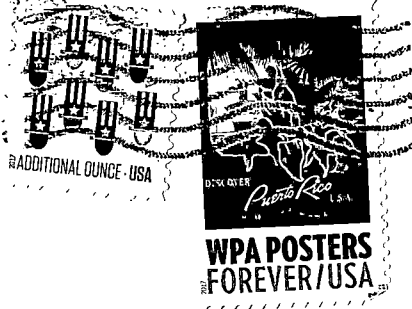
FALK LAW FIRM

PO Box 1058

Charleston, SC 29402

CHARLESTON SC 294

29 MAY 2018 PM 3 1



Clerk of Court.

South Carolina Court of Appeals

PO Box 11629

Columbia, SC 29211-

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SC Court of Appeals

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