

# LAW OFFICE OF WILLIAM G. YARBOROUGH, III

522 N. Church St. Greenville, SC 29601 • Office: (864) 331-1612 • [wgyarborough@gmail.com](mailto:wgyarborough@gmail.com)

July 9, 2018

RECEIVED

The Honorable Daniel E. Shearouse  
Clerk of Court, S.C. Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

JUL 10 2018

S.C. SUPREME COURT

Re: *Karriem Provet v. State* (2018-000480); *Daniel Lopez v. State* (2017-002411)

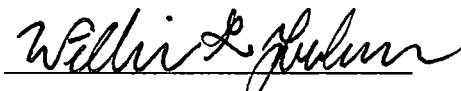
Dear Mr. Shearouse,

Please accept this letter as notification that an additional copy of the Motion for Reinstatement, including a copy of proof of service, for each of the above-captioned cases was mailed to the Respondent today, July 9, 2018, addressed specifically to Assistant Attorney General DeShawn H. Mitchell.

Today our office received a call from Mr. Mitchell that he had received the motion in each case at the South Carolina Attorney General's Office but it had been addressed to Assistant Attorney General Johnny E. James, Jr. Upon reviewing our copy of the proofs of service sent last week, I noticed that Mr. James is listed in a paragraph as the addressee, but Mr. Mitchell is listed as the addressee in the address line immediately following. This was a clerical error and additional copies have been sent to Mr. Mitchell today. Moreover, for the purposes of maintaining clarity of the appellate procedural record and to further confirm proof of service to the Respondent, the copies are accompanied by its own proof of service specifically addressed to Mr. Mitchell. Enclosed you will also find the copies' proof of service, in addition to a copy of a letter to Mr. Mitchell.

Should you require anything further, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,

  
William G. Yarborough III

Enclosures

Cc'd Assistant Attorney General DeShawn H. Mitchell

# LAW OFFICE OF WILLIAM G. YARBOROUGH, III

522 N. Church St. Greenville, SC 29601 • Office: (864) 331-1612 • [wgyarborough@gmail.com](mailto:wgyarborough@gmail.com)

July 9, 2018

Assistant Attorney General DeShawn H. Mitchell  
South Carolina Attorney General's Office  
Post Office Box 11549  
Columbia, South Carolina 29211

RECEIVED

JUL 10 2018

S.C. SUPREME COURT

Re: *Karriem Provet v. State* (2018-000480); *Daniel Lopez v. State* (2017-002411)

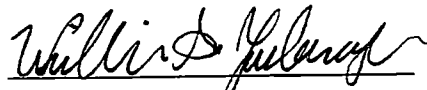
Dear Mr. Mitchell,

I hope this letter finds you well.

Your office notified my staff that the Motion for Reinstatement for both of the above-captioned cases sent to the Office of the South Carolina Attorney General last week were mistakenly addressed to Assistant Attorney General Johnny E. James, Jr. I apologize, and have enclosed copies of both motions and in addition to a corrected proof of service. Along with the motion(s) mailed to you, you may have received a copy of a proof service sent to Mr. James that same day, or I noticed that a paragraph in the proof of service for *Provet* and *Lopez* has Mr. James's name as well. Either that you may have received contained a clerical mistake and I sincerely apologize.

Should you require anything further, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,

  
William G. Yarborough III

Enclosures

cc'd

The Honorable Daniel E. Shearouse, Clerk of Court

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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Appeal from Greenville County Court of Common Pleas  
The Honorable Perry Gravely, Circuit Court Judge

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Appellate Case No. 2017-002411

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Daniel Lopez,.....Petitioner,

v.

State of South Carolina,.....Respondent.

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**MOTION FOR REINSTATEMENT OF APPEAL**

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**ATTORNEY FOR PETITIONER**

WILLIAM G. YARBOROUGH III, ESQ.

WILLIAM G. YARBOROUGH III, ATTORNEY AT LAW, LLC  
522 North Church Street  
Greenville South Carolina 29601  
(864) 331-1612

NOW COMES Petitioner Daniel Lopez, by and through undersigned counsel, William G. Yarborough III, and would respectfully move this Honorable Court to reinstate the petition for writ of certiorari in this case based upon the showing of good cause pursuant to Rule 260 the appellate court rules.

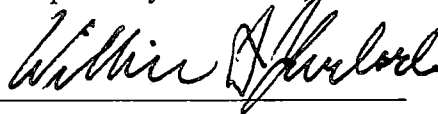
The petition and appendix for this case were due to be filed and served on June 6, 2018, pursuant to this Court's order granting an extension following the substitution of counsel. Counsel acknowledges that the petition and appendix are significantly overdue. Counsel had thought an extension request had been sent but found in the Petitioner's file a copy or print out of a motion for a second extension of time that is dated for June 4, 2018 and unsigned. That motion is attached. Counsel is still in the process of preparing the petition due to the length of the lower court record. Counsel and associate attorney Lauren C. Hobbs in good faith submit that the expiration of this deadline was due to inadvertence, admittedly inadequate internal case management and delegation, and other outstanding circumstances. In May, one of Counsel's immediate family members was admitted to an intensive care hospice center and has been treated there since and Counsel has spent an inordinate amount of time out of the office. The office's great caseload at that time also created difficulties in delegation, and case management and organization. Throughout June, Counsel was preparing and drafting various filings in both state and federal court including Mark Elliott v. Warden Joyner (0:17-cv-02745-PMD); Christopher Tison v. State (2017-CP-46-1438); State v. Dazzelle Smith (2017GS24593, 594, 1634). Counsel was also preparing for several trials scheduled or rescheduled for June including State v. Dana Morton (2017GS4204141, 4142,); State v. Christel House (2018GS4201115); State v. William Crump (2017GS2400345, 346). Please note that all but one of these trials were continued by motion from the State or by the Court due to roster changes within days of the trial date.

The undersigned attorneys acknowledge the impact of the inadvertence and error in regards to Petitioner's interest and right to pursue review of the dismissal of his application for post-conviction relief. Counsel understands that the inadvertence and missteps thwarts the Court's objectives in expediting the appellate process and maintaining efficiency of the Court's case management system, as well as preventing undue delay and prejudice to the Respondent. Counsel certifies that increased attention shall be given to internal case management and due dates, as well as due diligence in the representation of Petitioner's rights and interests.

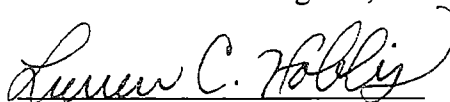
Counsel respectfully submits that good cause exists to reinstate the petition for writ of certiorari. Should this Court grant the motion for reinstatement, all orders or directives shall be promptly complied with.

WHEREFORE Counsel for Petitioner, Daniel Lopez, respectfully urges this Honorable Court to reinstate the petition for writ of certiorari.

Respectfully Submitted,



William G. Yarborough III, #10271



Lauren C. Hobbis, #103190

BY: William G. Yarborough III, Esq.

William G. Yarborough III, Attorney at Law, LLC  
522 North Church Street  
Greenville, South Carolina 29601  
(864) 331-1612

Greenville SC  
July 5, 2018

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Honorable Perry W. Gravely, Circuit Court Judge

Case No. 2017-002411

Daniel Lopez.....Petitioner

v.

State of South Carolina.....Respondent.

MOTION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI AND APPENDIX

Petitioner, by and through undersigned counsel, William G. Yarborough III, respectfully moves this Honorable Court to extend the time to file the petition for writ of certiorari and appendix by thirty (30) days.

The petition and appendix are due for filing and service on June 6, 2018. This request is made because Counsel is still in the process of reviewing and compiling the lower court record for preparation of the appendix. Upon further review of the trial transcript, it appears that one or more cellphone records may have been introduced as an exhibit and more time is needed to

obtain the correct record(s) and discern from the transcript which portion of the record or records were introduced into evidence at trial.

WHEREFORE, undersigned counsel for Petitioner moves this Court to extend the time to file the petition for writ of certiorari and appendix by thirty (30) days.

Respectfully Submitted,

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William G. Yarborough III, #10271  
522 North Church Street  
Greenville, South Carolina 29601  
(864) 331-1612

Greenville SC,  
June 4, 2018

**PROOF OF SERVICE**

The undersigned hereby certifies that the Motion for Reinstatement has been mailed for filing to the Honorable Daniel E. Shearouse, Clerk of Court for the South Carolina Supreme Court, by depositing it in the United States mail, postage prepaid addressed to:

The Honorable Daniel E. Shearouse  
Clerk of Court for the S.C. Supreme Court  
Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211

The undersigned further certifies that a true copy of same has been served upon the Respondent, represented by Assistant Attorney General, Johnny E. James, Jr., by depositing one (1) copy by United States mail, postage prepaid addressed to:

The Honorable Alan Wilson  
S.C. Attorney General  
Attn: Assistant Attorney General DeShawn Mitchell  
Post Office Box 11549  
Columbia, South Carolina 29211

This 5th day of July, 2018

Sandy Ignacio

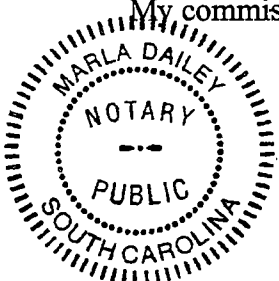
Sandy Ignacio

Administrative Assistant to William G. Yarborough III

Sworn to before me this 5  
day of July, 2018

Marla Dailey  
Notary Public for South Carolina

My commission expires: 10/9/23



**PROOF OF SERVICE**

The undersigned certifies that a copy of the Motion for Reinstatement and proof of service has been served upon the Respondent, represented by Assistant Attorney General DeShawn Mitchell, by depositing one (1) copy by United States mail, postage prepaid addressed to:

The Honorable Alan Wilson  
S.C. Attorney General  
Attn: Assistant Attorney General DeShawn Mitchell  
Post Office Box 11549  
Columbia, South Carolina 29211

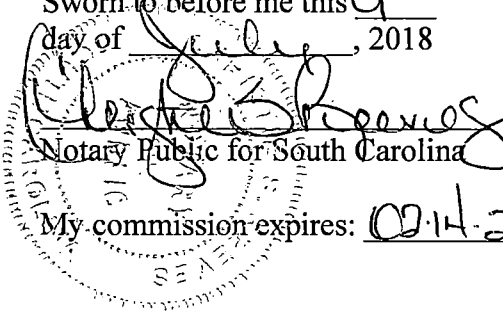
This 9th day of July, 2018



Sydney Sanders

Administrative Assistant to William G. Yarborough III

Sworn to before me this 9  
day of July, 2018



Charles S. Beames  
Notary Public for South Carolina

My commission expires: 02-14-2028