

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Honorable Donald B. Hocker, Circuit Court Judge

Appellate Case No.: 2017-001016

The State,

Respondent

v.

Gabriel Betancourt, Jr.,

Appellant.

**MOTION TO FILE OUT OF TIME
APPELLANT'S FINAL BRIEF**

ATTORNEYS FOR APPELLANT

WILLIAM G. YARBOROUGH III, ESQ.

LAUREN C. HOBBS, ESQ.

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

NOW COMES Appellant, Gabriel Betancourt, Jr., by and through undersigned counsel and would respectfully move this Honorable Court to accept for filing Appellant's Final Brief.

Following service of the Record on Appeal on April 19, 2018, Appellant's final brief was due on May 9, 2018. In addition to Counsel's incorrect recording of the time period for service of the Final Brief in our case management system, in mid May one of Counsel's immediate family members was admitted to intensive care hospice and has been treated there since. Counsel has spent a great amount of time out of the office visiting and overseeing her care. Counsel ultimately did not prepare and bind the Final brief until the time period provided by Rule 211 had already passed. Counsel's office's case load contributed to the delay in realizing this great oversight. The Final Brief was promptly prepared following notice of this mistake.

Counsel acknowledges that the time periods and deadlines provided by the SC Appellate Court rules are in place to expedite the appellate process and maintain efficiency of this Court's case management system. Counsel understands that the untimeliness of filing and serving the Appellant's Final Brief has delayed the process and likely caused inconvenience to the Court and to the Respondent. Counsel certifies that increased attention shall be given to internal case management and to deadlines.

WHEREFORE, Counsel respectfully requests this Honorable Court for leave to file the Appellant's Final Brief out of time.

Respectfully submitted,

WILLIAM G. YARBOROUGH III, ESQ.

LAUREN C. HOBBS, ESQ.

WILLIAM G. YARBOROUGH III, ATTORNEY AT LAW, LLC
522 North Church St., Greenville South Carolina 29601

(864) 331-1612

By: *William G. Yarborough III*

William G. Yarborough III, #10271

Greenville, SC

July 3, 2018

RECEIVED

JUL 10 2018

SC Court of Appeals

PROOF OF SERVICE

The undersigned hereby certifies that Appellant's Motion to File out of Time and Final Brief has been mailed for filing to the Honorable Jenny Abbott Kitchings, by depositing it in the U.S. Mail with sufficient postage attached, addressed to:

The Honorable Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

The undersigned further certifies that a true copy of the Appellant's Motion to File out of Time and Final Brief has been served upon counsel of record for Respondent, Senior Assistant Attorney General David Spencer, by depositing it in the U.S. Mail with sufficient postage attached, addressed to:

Senior Assistant Attorney General David Spencer
South Carolina Attorney General
P.O. Box 11549
Columbia, South Carolina 29211

I further certify that all parties required to be served Appellant's Final Brief have been served.

This 3rd day of July, 2018.



Sydney Sanders
Paralegal to William G. Yarborough III
522 North Church Street,
Greenville, South Carolina 29601