

ds

4th AFB due 8/16/18

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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AUG 09 2018

SC Court of Appeals

APPEAL FROM HORRY COUNTY

Court of General Sessions

Hon. Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2017-002447

State of South Carolina, Respondent,

v.

Mitchell Monroe Weatherall, Appellant.

MOTION

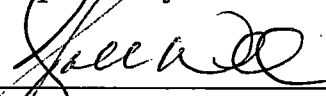
Appellant moves for an extension of thirty days in which to serve and file the Appellant's Initial Brief and Designation of Matter in this case. Counsel is currently engaged in various stages of the appellate process in numerous appeals. In addition to appellate work, over the past thirty days Counsel has had an extra ordinary amount of on-going obligations in numerous circuit court cases, as well as other client matters that have delayed the completion of several briefs, including this one. Counsel has today completed and served the Appellant's Initial Brief in Swicegood v. Thompson as well as a Return in Integrated Recycling. Counsel is currently

working to complete the Initial Brief in the present case but will not complete it before the current deadline, due in part to the number of potential issues and the length of the transcript.

Counsel has the brief in this case as the highest priority for briefing. Counsel is a sole practitioner and is solely responsible for the briefing in this case. In order to ensure that no further extensions will be necessary counsel is devoting all time other than court appearances and emergencies to completing the briefing in this case.

I certify that extra ordinary circumstances exist and that all reasonable steps are being taken to avoid further requests for additional time. Wherefore the Appellant moves this Court for an extension of thirty days in which to serve and file the Appellant's Initial Brief and Designation of Matter in this case.

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
(864) 271-6035 (facsimile)
Counsel for Appellant

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CERTIFICATE OF SERVICE

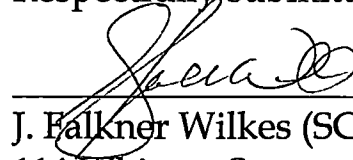
I certify that on August 6, 2018, I served the Appellant's Motion for an extension of time on the Respondent by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel of record as indicated below and by facsimile if so indicated:

Melody Jane Brown, Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

and to:

Jenny Abbott Kitchings
Clerk of the Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)

114 Whitsett Street

Greenville, SC 29601

(864) 282-1292

(864) 271-6035 (facsimile)

Counsel for Appellant

August 8, 2018.

J. FALKNER WILKES

Attorney at Law

114 Whitsett Street
Greenville, South Carolina 29601

Telephone: (864) 282-1292
Facsimile: (864) 271-6035

August 6, 2018

Jenny Abbott Kitchings
Clerk of the Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Re: The State, Respondent v. Mitchell Monroe Weatherall, Appellant
Appellate Case No.: 2017-002447

Dear Ms. Kitchings,

I represent the Appellant Mitchell Monroe Weatherall in the above case. I am enclosing a motion for an extension of time in which to serve and file my brief in this case. I had thought that I would be able to complete my briefing before the end of today but it is apparent that I do not have the capacity to make that happen. I am hopeful that I will be done with the brief in a few days but have requested a full thirty days to ensure that I don't have to ask again. I apologize for the delay.

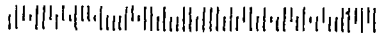
Sincerely,



J. Falkner Wilkes

c.
Melody Jane Brown
Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

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J. Falkner Wilkes
Attorney at Law
114 Whitsett Street
Greenville, SC 29601

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Columbia, SC 29211

