

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Horry County Court of Common Pleas
The Honorable Perry Graveley, Circuit Court Judge

Appellate Case No. 2017-0002411

Daniel Lopez,.....Petitioner,

v.

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

**SECOND MOTION TO REINSTATE APPEAL/PETITION FOR
REHEARING/MOTION TO RECALL REMITTITUR**

RECEIVED

OCT 18 2018

S.C. SUPREME COURT

WILLIAM G. YARBOROUGH III
522 North Church Street
Greenville, South Carolina 29601
SC Bar No.: 10271
(864) 331-1612

COUNSEL FOR PETITIONER

NOW COMES Counsel for Petitioner, William G. Yarborough III, and would move this Honorable Court to reinstate the appeal or in alternative, petitions this Honorable Court for rehearing, or motion to recall the remittitur.

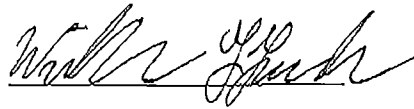
Counsel's office mailed the petition and appendix on September 07, 2018 to the Court for filing. A copy of the postage was made before fixing it on the boxes, and Counsel realized today when speaking with the clerk's office and informing on the address the boxes were mailed to that the boxes were each mistakenly sent to P.O. Box 1330. This was an unfortunate typographical oversight that Counsel acknowledges was avoidable. In making the requests for the relief herein, Counsel is not remiss to the fact that this is the second motion for reinstatement Counsel has asked for, which is the result of a mistake that would have been avoided through careful diligence.

Counsel's statements and the requests herein are made in good faith and Counsel had no intention of delaying the appellate process or frustrating the objectives the appellate rules serve. Counsel's office has experienced abrupt administrative staff changes, increased workloads, and has needed to prepare for trials scheduled almost each week in the last month in state and federal court. Counsel acknowledges that better planning and internal office coordination and communication would have prevented this from happening again. Counsel is responsible for this mistake, and thus respectfully requests this Honorable Court to allow the appeal to proceed in light of Petitioner's right to appellate counsel and appellate review of the denial of his PCR pursuant to *Austin v. State*.

In conjunction with this motion, the petition and appendix are over-night mailed today, October 17, 2018 with sufficient copies to the Court and counsel for Respondent and in compliance with the appellate court rules.

WHEREFORE Counsel for Petitioner respectfully moves this Honorable Court to reinstate the appeal or in alternative, petitions this Honorable Court for rehearing, or motion to recall the remittitur.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William G. Yarborough, III". The signature is written in black ink and is positioned above the typed name.

William G. Yarborough, III
Attorney for the Applicant
522 North Church Street
Greenville, SC 29601
(864) 331-1612
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Greenville, SC
October 17, 2018