

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Horry County Court of Common Pleas
The Honorable William H. Seals, Circuit Court Judge

Appellate Case No. 2018-000054

Theodore Wills Jr.,.....Petitioner,

v.

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

**MOTION TO REINSTATE APPEAL, OR IN THE ALTERNATIVE, PETITION FOR
REHEARING, OR MOTION TO RECALL REMITTITUR**

WILLIAM G. YARBOROUGH III

LAUREN C. HOBBS

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SC Bar No.: 10271
(864) 331-1612

COUNSEL FOR PETITIONER

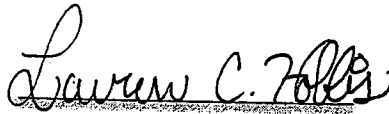
NOW COMES Counsel for Petitioner, William G. Yarborough III, and would move this Honorable Court to reinstate the PCR appeal or in alternative, petitions this Honorable Court for rehearing or moves to recall the remittitur.

Counsel does not make this request without solemn acknowledgement that this is the second motion to reinstate. The oversight that has led to this point was preventable and the delay resulting from the failure to timely file does not fall with remiss to the undersigned attorneys. The failure to timely file is due to poor internal office management and delegation, several abrupt staff changes and counsels' workload. The untimeliness was coupled with counsel's immediate family's members increasingly poor health, and concerning health issues Attorney Hobbis has experienced intermittently since this past spring. Counsel was also unable to access the petition and the originals for a short time because an entire file for the case and portions of several files for the case were lost and electronic storage on Attorney Hobbis's four year old laptop failed. Counsel was only able to recover part of the petition and had to work back from there. The circumstances above do not excuse Counsels' missteps and Counsels should have taken more and better preventative measures. Counsel's office has instituted internal changes to correct such oversight in the future. Counsel now files large filings in person with the Court, retained additional staff, and has obtained various organizational programs. Counsel acknowledges that the oversight was Counsel's responsibility and respectfully urges this Court to allow the appeal to be reinstated and proceed for the benefit of Petitioner in seeking his right to appellate review of the dismissal of his PCR and right to appellate counsel.

In conjunction with this motion, the petition¹ and appendix are to be delivered in person today, October 23, 2018 with 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,



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Greenville, SC
October 23, 2018

¹ Counsel has run out the right size and type of combs to bind the petition and bound petitions in the correct quantity will be provided promptly to the Court and Respondent.

10/23/2018

I, Lamm C. Hobbs hereby certify, swear

- or affirm that the Motion to Reinstute Appeal, 1 copy of Petition & Appendix has been served upon the Respondent Johnny S. James via U.S. Postal mail this day.

Lamm C. Hobbs

Lamm C. Hobbs #103190

10/23/2018