

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenwood County Court of General Sessions
The Honorable Frank R. Addy Jr., Circuit Court Judge

RECEIVED
APR 01 2019
SC Court of Appeals

Appellate Case No. 2018-000952

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

v.

Dazzelle Smith,.....Appellant.

MOTION TO ALLOW LATE FILING

COMES NOW Appellant Dazzelle Smith, by and through his undersigned attorney of record, Lauren C. Hobbis, and would move this Honorable Court to accept the late Initial Brief of Appellant and Designation of Matter for filing. The delay is on the part of Undersigned and is her responsibility due to an oversight and mistakes in the brief. The delay does not stem from any intention to stall proceedings or to cause inconvenience or prejudice to this Court, Respondent, or Appellant's right to direct appeal, and this request is not made without the solemn acknowledgement that it follows the Court's gracious granting of the motion to reinstate. The delay to file the initial brief does not fall with remiss to Undersigned, and her oversight that led to this point was not intentional but she acknowledges it was preventable. Undersigned had

incorrectly made no differentiation in the citations to page numbers between the several transcripts used to prepare the brief: the transcript from Appellant's first trial, which contains the motion to suppress hearing testimony; the transcript from the retrial; and the transcript from the motion for a new hearing. Undersigned had also incorrectly cited a few portions of the first trial transcript in the brief's facts section and in the argument of another issue; although incorporating the first trial transcript in the brief and designation of matter is only procedurally proper as it pertains to the suppression hearing testimony because Appellant had been retried and the suppression hearing was not reconducted at the second trial. Going back through the relevant portions of the transcripts and correcting the citations and these sections was necessary for clarity purposes and to prevent those portions from being stricken and prevent raising a preservation-type or irrelevance issue upon response. Counsel's office's case load contributed to the delay in recognizing these mistakes at near completion and in fixing them. Undersigned had been preparing for other pleadings and preparing for her first trial as first chair, as well as assisting lead counsel of record William G. Yarborough with other trials in state and federal court.

The Undersigned respectfully urges this Court to grant this motion to file out of time and accept the enclosed initial brief and designation of matter for filing.

Respectfully submitted,

By: 

Lauren Carole Hobbis
South Carolina Bar #103190

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

COUNSEL FOR APPELLANT

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PROOF OF SERVICE

The undersigned hereby certifies that one (1) original of the Initial Brief of Appellant, Designation of Matter, and Motion to Allow Late Filing and six (1) copies were filed with this Court this day through the United States 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, South Carolina 29211

The undersigned further certifies that one (1) true copy of the Initial Brief of Appellant, Designation of Matter, and Motion to Allow Late Filing were served upon the Respondent this day through the United States mail with sufficient postage attached addressed to:

Senior Assistant Deputy Attorney General J. Benjamin Aplin
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

The undersigned further certifies that all parties required to be served pursuant to the appellate court rules have been served.

This 26th day of March 2019

A handwritten signature in cursive script, reading "Lauren C. Hobbis", written over a horizontal line.

Lauren C. Hobbis, SC Bar #103190
William G. Yarborough III, Attorney at Law, LLC

William G. Yarborough III, Attorney at Law LLC
522 N. Church Street
Greenville, SC 29601

The Honorable Kitchings, Clerk of Court
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