

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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AUG 18 2020

APPEAL FROM SPARTANBURG COUNTY
Thomas G. Cooper, Jr., Circuit Court Judge

S.C. SUPREME COURT

Case No.: 2017CP4203259

Jerry M. Simpson # 255266

Petitioner,

v.

The State of South Carolina,

Respondent.

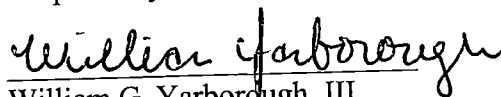
MOTION TO FILE OUT OF TIME

COMES NOW, the Petitioner, Jerry Simpson, by and through his undersigned counsel, William G. Yarborough, and would respectfully request this Honorable Court to allow Petitioner to file an Appeal out of the 10-day statute of limitations or out of time.

During counsel's representation of Petitioner, Petitioner was incarcerated at Macdougall-Walker Correctional Institution, in the lower part of the state. It was somewhat difficult for counsel to visit Petitioner. During this period, Petitioner's family was communicating with counsel for the Petitioner. The family misunderstood what the Petitioner wanted to do following the Post-Conviction Relief Order of Dismissal, dated December 31, 2019. The family told counsel that Petitioner did not wish to file an Appeal. Petitioner's family relayed the incorrect information to counsel regarding the Appeal.

Petitioner has contacted counsel and informed counsel the family misunderstood his wish to file an Appeal at that time. Therefore, would like to file his Appeal. Due to the misunderstanding and circumstances regarding filing the Appeal, Petitioner's counsel respectfully requests this Honorable Court to grant this motion to file a belated Appeal.

Respectfully submitted by:



William G. Yarborough, III

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Greenville, South Carolina
August 12, 2020