

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Feb 17 2021

SC Court of Appeals

Appeal from Beaufort County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL WIGGS,

APPELLANT

APPELLATE CASE NO 2019-001849

MOTION TO FILE OUT OF TIME A FINAL REPLY BRIEF

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests the relaxation of Rule 263(b), SCACR, and allow leave in which to file out of time a Final Reply Brief of Appellant in this case. In support of this motion counsel submits the following.

1. The Final Reply Brief of Appellant in this case was scheduled to be filed with this Court on February 3, 2021.
2. However, this date was inadvertently not calendared and Counsel did not file the Final Reply Brief of Appellant within the allotted period.

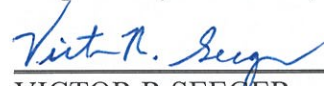
3. On February 17, 2021, undersigned counsel communicated with opposing counsel, Scott Matthews, Esquire, at the Attorney General's office and he consented to this request.

4. Counsel makes this request in good faith and not for purposes of delay.

5. A Final Reply Brief of Appellant has been prepared and is being filed simultaneous with this motion.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file a Final Reply Brief of Appellant out of time in this case based upon the above circumstances.

Respectfully submitted,



VICTOR R SEEGER
Appellate Defender

ATTORNEY FOR APPELLANT

This 17th day of February, 2021.

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion to File Out of Time a Final Reply Brief of Appellant in the above-referenced case has been served upon Scott Matthews, Esquire at the primary e-mail address listed in the Attorney Information System (AIS) this 17th day of February, 2021.



Victor R Seeger

Appellate Defender

ATTORNEY FOR APPELLANT