

**RECEIVED**

**Aug 06 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ANTONIO O. SIMMONS,

APPELLANT

APPELLATE CASE NO 2020-00088

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**MOTION TO WITHDRAW THE INITIAL REPLY BRIEF OF APPELLANT  
AND FILE AN AMENDED INITIAL REPLY BRIEF OF APPELLANT**

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Counsel for Appellant, Victor R. Seeger, respectfully requests that this Court allow counsel to withdraw the initial reply brief of appellant that was filed in this case on August 5, 2021, and allow counsel to file an amended initial reply brief of appellant simultaneous with this motion. In support of this request, counsel shows:

1. The initial reply brief of appellant was filed with the Court on August 5, 2021.
2. Counsel respectfully requests that this Court allow counsel to withdraw the initial reply brief of appellant filed August 5, 2021, and allow counsel to file an amended initial reply brief of appellant simultaneous with this motion to correct citations and errors in the reply brief.
3. Counsel makes this request in good faith and not for purpose of delay.

4. An amended initial reply brief of appellant has been prepared and is being filed simultaneous with this motion.

5. Opposing counsel, Senior Assistant Attorney General Mark Farthing, has no objection to this motion.

Based on the above showing, counsel for Appellant, Victor R. Seeger, respectfully requests that this Court allow counsel to withdraw the initial reply brief of appellant that was filed in this case on August 5, 2021, and allow counsel to file an amended initial reply brief of appellant simultaneous with this motion. Counsel respectfully requests that all filing deadlines be held in abeyance until this Court has had the opportunity to rule on the motion.

Respectfully submitted,

  
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Victor R. Seeger  
Appellate Defender

Attorney for Appellant

This 6<sup>th</sup> day of August, 2021.

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CERTIFICATE OF SERVICE

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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 withdraw the initial reply brief of appellant and file an amended initial reply brief of appellant have been served upon Mark Farthing, Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 6<sup>th</sup> day of August, 2021.



Victor R. Seeger  
Appellate Defender

ATTORNEY FOR PETITIONER