

THE SOUTH CAROLINA COURT OF APPEALS

The State, Respondent,

v.

Jonathan Antonio Nieves, Appellant

RECEIVED

Jan 18 2022

SC Court of Appeals

Appellate Case No. 2021-001216

The Honorable Carmen T. Mullen

Jasper County

Trial Court Case No.; 2016GS2700007, 2016GS2700008,2016GS2700009

MOTION TO REINSTATE

Enclosed is stamped copy of letter to the Honorable Margaret Bostick, Jasper County Clerk of Court dated October 22, 2021, and filed by the Clerk of Court office on October 26, 2021. I personally delivered Affidavit of Indigency to the Office of Appellate Defense before 5pm on November 15, 2021. This fact was acknowledged by Della White on November 22, 2021, and that the Office would be representing Mr. Nieves on this appeal. These facts are acknowledged in emails of November 22, 2021, and November 23, 2021, from Della White. Therefore, I was relieved from the ordering the transcript. Finally, I am requesting that this motion is allowed to go forth. I erroneously and neglectfully relied upon the date given by an Appeals Specialist of January 4, 2022, to file this motion after a conversation I had with the specialist on December 14, 2021. However, I did not exercise due diligence in reading Rule 260

and realize that this motion surpasses the fifteen (15) days requirement. However, considering the extraordinary circumstances, I request that you respectfully reinstate the appeal.

Respectfully,

s/Joshua Koger, Jr.

Barnwell, SC

January 4, 2022