**IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA**

NAME

Petitioner,

V Supreme Court Case No: ??-????

??? County of West Virginia

NAME

Respondent.

**MOTION TO FILE OUT OF TIME**

Petitioner, NAME, through counsel, ATTORNEY, pursuant to Rule 39(b) of the WV Rules of Appellate Procedure, hereby moves this Court for leave to file the attached NAME OF DOCUMENT, out of the \_\_\_\_ time frame provided for under Rule 5(b) of the WV Rules of Appellate Procedure. In support of this motion, Petitioner states as follows:

1. This NAME OF DOCUMENT arises out \_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. The Petitioner is presently incarcerated at NAME OF FACILITY.
3. The NAME OF DOCUMENT was entered on DATE.
4. ?? DATES with INFORMATION regarding DOCUMENT.
5. ?? DATES with INFORMATION regarding DOCUMENT.
6. ?? DATES with INFORMATION regarding DOCUMENT.
7. ?? DATES with INFORMATION regarding DOCUMENT.
8. ?? DATES with INFORMATION regarding DOCUMENT.
9. Rule 39 of the WV Rules of Appellate Procedure allows this Court to enlarge the time prescribed by the Rules of Appellate Procedure for good cause shown.
10. The Petitioner is indigent and would have substantial problems prosecuting an appeal *pro se* in this case.

**WHEREFORE**, the Petitioner moves this Court pursuant to Rule 39(b) of the WV Rules of the Appellate Procedure for leave to file the attached NAME OF DOCUMENT, out of the \_\_\_\_\_\_\_ time frame provided for under Rule 5(b) of the WV Rules of Appellate Procedure and for other and further relief as is deemed necessary.

Respectfully Submitted,

NAME OF CLIENT

By Counsel

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME OF COUNSEL

WV State Bar #

Block Address

Phone number

Fax number

Email