

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM ADMINISTRATIVE LAW COURT

MAR 20 2023

Ralph K. Anderson III Judge

SC Court of Appeals

Case No. 2023-000373

Leonard Lee Foster

Appellant

v

South Carolina Department of Correction

Respondent

PETITION FOR A WRIT OF CERTIORARI

Leonard L. Foster
Livesay Pre-Release
P.O. Box 580
Una S.C. 29378

CC:

Joseph R. Shakibanasab

Jenny Abbott Kitchings, Clerk

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CERTIFICATE OF COUNSEL

Petitioner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on February 27, 2023

QUESTIONS PRESENTED

1. Did the Court of Appeal err by not reinstating Appeal? —

STATEMENT OF CASE

On October 26, 2022 petitioner appealed administrative law judge decision regarding good time credits owed on November 17, 2022 appellate court inform him of deficiencies of proof of service and \$250.00 filing fee that needed to be corrected and collected within 10 days. Subsequently proof of service was corrected and petitioner filed writ of mandamus in regards of filing fee.

On December 13, 2022 appellate court inform him he would not be considered to proceed in forma pauperis and he must pay \$250.00 within 15 days or appeal will be dismissed.

On December 24, 2022 petitioner's brother Leonard Lee Lyles mailed \$250.00 check to South Carolina Court of Appeals. January 9, 2023 appellate court dismissed appeal^{and} on January 19, 2023 petitioner filed a motion to reinstate appeal. On February 27, 2023 rehearing was denied.

ARGUMENT

The appellate court should have reinstated appeal whereas filing fee was submitted in accordance SCACR Rule 203 (B) (3) within 15 days of December 13, 2022 letter. See...exhibit

CONCLUSION

For the reasons stated petitioner ask the Court to grant for a writ of certiorari.

Date March 17, 2023

Respectfully Submitted
Deonard Foster

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on
Jenny Abbott Kitching and General Counsel by depositing
a copy of it in the United States Mail postage prepaid
on March 17, 2023 addressed to his attorney of record
Joseph R. Shakibanasab South Carolina Department of
Correction 4444 Broad River Road - P.O. Box 21787 Columbia
South Carolina 29221-1787

March 17, 2023

Leonard L. Foster
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SC Court of Appeals

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