

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 08 2023

APPEAL FROM OCONEE COUNTY

SC Court of Appeals

COURT OF COMMON PLEAS

DEBRA R. MCCASLIN Master-IN-Equity JUDGE

Appellate Case NO. 2023-000189

Dennis Temple, SCDC # 274802

Appellant,

v.

State of South Carolina, ET AL

Respondents.

MOTION FOR EXTENSION OF TIME TO Order
APPELLANT'S ~~Transcript~~

The Appellant, Dennis Temple respectfully submits the following motion for Extension of time to Order the ~~Transcript~~ pursuant to Rule 20.7 SCRCP.

I.

On November 18, 2022 Judge Debra R. McCaslin issued a order denying appellant's motion to Amend; denying appellant's Second motion to Amend and

1.

denying appellants motion for Default Judgment and granting respondents motion to Dismiss the appellants complaint under Rule 12(b)(6). In addition, the trial Judge dismissed appellants complaint in its entirety with prejudice as to all respondents.

On November 29, 2022 Temple received a copy of Judge Mccastin written order denying Temple's motion to Amend; denying Temple's Second motion to Amend and denying Temple's motion for Default Judgment and granting respondents motion to Dismiss under Rule 12(b)(6).

On December 14, 2022 Temple filed a notice of motion and motion to Alter or Amend the Judgment under Rule 59(e) of the SCRCP regarding Judge Mccastin order dismissing Temple's complaint on November 18, 2022.

On January 18, 2023 Judge Mccastin filed a order denying Temple's Rule 59(e) motion to Alter or Amend the Judgment as untimely and for failure to provide her with a copy under Rule 59(g).

On January 24, 2023 Temple received a copy of Judge Mccastin written order denying his motion to Alter or Amend the Judgment under Rule 59(e) of the SCRCP.

On February 7, 2023 Temple filed a copy of the Notice of Appeal and Proof of Service, including a certificate of service on the Oconee County, clerk of court, Melissa C. Burton; the South Carolina Court of Appeals; the South Carolina Court Administration and on respondents attorney, Carly H. Davis Assistant Attorney General.

On February 10, 2023 the South Carolina Court of Appeals, Deputy clerk, Catherine Harrison wrote Temple a correspondence letter stating: "This court has received your notice of appeal, and the case has been assigned the appellate case number 2023-000189. Please use this number on all future correspondence relating to this matter. All parties to this matter are advised that all filing must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR) and etc.. etc.

Also, on February 10, 2023 Temple received another correspondence letter from the South Carolina court of Appeals, Deputy clerk, Catherine Harrison stating: "Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR) and any deficiency must be corrected within ten (10) days of the date of this letter, or this appeal will be dismissed: "The accompanying proof of service is not in compliance with the SCACR.

your proof of service should be substantially in the format shown by form 7 in Appendix C to Part II of the SCACR. Specifically, you must provide proof of service on all respondents. The required filing fee has not been submitted. The correct filing fee is \$ 250.00. You must provide proof the notice of appeal was filed with the Oconee County, Clerk of Court.

On February 14, 2023 Temple received a copy of both of the South Carolina Court of Appeals, Deputy Clerk, Catherine Harrison correspondences dated February 10, 2023.

On February 16, 2023 Temple filed a copy of the transcript form request and proof of service upon the South Carolina Court of Appeals; Lisa Taylor, Court Reporter; Renee Sexton, Court Reporter; and the South Carolina Court Administration;

On February 23 & 24 2023 Temple filed a copy of the Amended Notice of Appeal and Proof of Service upon respondents Keith Denny; Robert Mills Ariail Jr.; the South Carolina Court of Appeals; Oconee County, Clerk of Court Melissa C. Burton; Attorneys Carly H. Davis; Leon David Lessett III; James W. Logan and Harley Littleton Kirkland.

On February 23, 2023 the South Carolina Court Administration wrote a correspondence letter to Temple regarding his request for a transcript of a hearing held on November 15, 2022.

On March 2, 2023 Temple received a copy of the correspondence letter dated February 23, 2023 from the South Carolina Court Administration, court reporting staff.

Also, on March 2, 2023 Temple mailed a copy of the transcript form request and proof of service upon Lisa Taylor, court reporter, the South Carolina court of Appeals and the South Carolina court of Administration.

On March 13, 2023 Temple received a correspondence letter from the South Carolina Court of Appeals, Chief Deputy clerk, V. Claire Allen stating: "Upon reviewing your notice of Appeal and deficiency corrections, the following deficiencies have been noted under the South Carolina Appellate court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter, or this appeal will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by form 7 in Appendix C to part II of the SCACR. You must provide proof of service on respondents; Sarah Drawdy, Esquire, The Honorable Alexander S. Macaulay, The Honorable J. Cordell Maddox Jr., The Honorable R. Lawton McIntosh; Lindsey S. ~~Simmons~~ Simmons, Esquire and Kurt Tavernier, Esquire

On March 22, 2023 Temple mailed a copy of the Amended Notice of Appeal and Proof of Service upon respondents Sarah Drawdy, Esquire; Judge Alexander S. Macaulay; Judge J. Cordell Maddox Jr; Judge R. Lablton McIntosh, Lindsey S. Simmons, Solicitor and the South Carolina Court of Appeals.

On March 28, 2023 Pamela E. Green, circuit court Reporter wrote Temple a correspondence letter regarding the different cost of the transcript.

On April 3, 2023 Temple received a copy of Circuit Court Reporter, Pamela E. Green correspondence dated March 28, 2023 regarding the different cost of the transcript of the virtual hearing on November 15, 2022. The cheapest was \$4.25 per page. She stated there was approximately 75 pages, and $\$4.25 \times 75 = \318.75 would be the total cost of the transcript. Temple only have \$100.00 for the transcript.

On April 13, 2023 Temple wrote a correspondence to Pamela E. Green regarding paying her \$50.00 money order and a addition \$25.00 every month untill he pay the full \$318.75 off for the cost of the virtual Court hearing transcript on November 15, 2022. As of now, NO response!

II.

Appellant, Temple is a indigent inmate in the South Carolina Department of Corrections and commenced this civil action in the Oconee County Court of Common Pleas on April 20, 2022 after being granted to proceed IN FORMA PAUPERIS. Temple does not have a job paying wages in prison and the South Carolina Department of Corrections do not pay him for working in the prison.

As a result, Temple does not have \$ 318.75 to order or prepay for the transcript in this appeals or for the November 15, 2022 virtual court hearing in this case.

III

The pro se appellant respectfully request to proceed in this case without ordering the transcript and a enlargement of time to do so, for the above reasons and for other litigation pending. In addition, Temple request this extension in light of the disruptive and hardships resulting from COVID-19 pandemic. Specifically, Temple is a inmate at Lee Correctional Institution (Lee) is widely known as the state of South Carolina most violent prison and that employs corrupt officers. A SCDC officer Ms. McCrea is refusing to double copy Temple documents to be used as the Record on Appeal in this case. This is

causing Temple a delay in preparing his initial brief in this case. Also, Lee Correctional Institution has been experiencing for years now institutional delays, restriction of inmates movements, sporadic lockdowns and limited law library days and hour, closed law library, Law library App on tablets not working or down for weeks, shortage of staff and other information / situation to support his motion.

Based on the foregoing, Temple respectfully submits that, upon personal belief, the ends of justice would be best served to allow him to proceed in this case without the transcript or to grant Temple a 90 days extension of time to order the transcript in this case, and further sanctions the respondent, State of South Carolina, officer Ms McCrea for denying Temple to double copy his documents.



Dennis M. Temple # 274862
Lee Correctional Inst, F2A-2113
990 Wisacky Highway
Bishopville, South Carolina 29010

May 27, 2023

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM OCONEE COUNTY

COURT OF COMMON PLEAS

SC Court of Appeals

DEBRA R. McCaslin Master-in-Equity Judge

Appellate Case No. 2023-000189

Dennis Temple, SCDC # 274802

Appellant,

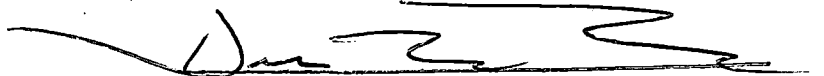
v.

state of south Carolina, ET AL

Respondents,

PROOF OF SERVICE

I certify that I have served this motion for extension of time to order Appellant's Transcript upon state of south Carolina by depositing a copy of it in the United States mail postage prepaid on May 2, 2023 addressed to Carley M. Davis, P.O. Box 11549, Columbia SC 29211



Dennis M. Temple, # 274802
Lee Correctional Inst F2A-2113
990 Wisacky Highway
Bishopville, SC 29010

May 2, 2023

South Carolina Court of Appeals
Jenny Abbott Kitchings, clerk of court
Post office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

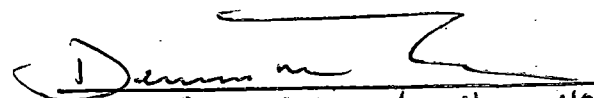
IN RE: Temple v. State of South Carolina, ET AL
Appellate Case NO. 2023-000189

Dear Ms. Kitchings:

Enclosed please find 1 copies of the appellant's motion for extension of time to order Appellant's Transcript and 1 proof of services on the respondents who have appear in this case. Keith Denny; Robert Mills Ariail Jr., Kirkland; Logan, Leggett III and Carley H. Davis.

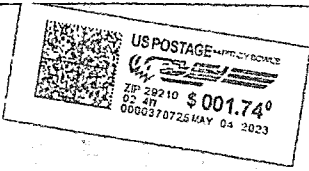
Please clock-in these documents and return a copy back to the appellant for his files.

cc: Keith Denny, Esq.
Harley L. Kirkland Esq.
Robert M. Ariail Jr. Esq.
James W. Logan Esq.
Leon David Leggett III Esq.
Carly H. Davis Esq.


Dennis M. Temple # 274802
Lee Correctional Inst. F2A-2113
990 Wisacky Highway
Bishopville, South Carolina 29010

may 2, 2023

Miss M. Temple, SCDC # 274802
Correctional Institution F2A-213
Wisacky Highway
Hopville, South Carolina 29010



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SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitchens, Clerk
Post office Box 11629
Columbia, South Carolina 29211

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