

THE STATE OF SOUTH CAROLINA

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In The Court Of Appeals

DEC 15 2023

APPEAL FROM THE ADMINISTRATIVE LAW COURT

SC Court of Appeals

S. Philip Lenski, Administrative Law Judge

ALC Docket No.22-ALJ-04-0039
Appellate Case No. 2023-001814

William Robert Horton, #109013.....Appellant,

v.

The South Carolina Department
of Corrections.....Respondent.

MOTION FOR EXTENSION OF TIME

William Robert Horton, the above named Appellant, proceeding in this matter Pro Se, would respectfully move this Honorable Court, pursuant to Rule 240, SCACR, for an Order Granting Appellant an Extension of Time in which to file and serve his Initial Brief and Record On Appeal in the above captioned case.

Appellant filed his Notice of Appeal and other documents with the Clerk of the S.C. Court of Appeals on November 20, 2023. His Initial Brief is due to be filed by December 20, 2023. Appellant seeks thirty (30) additional days in which to file and serve his Initial Brief and other documents in this matter.

In support of this Motion, Appellant would respectfully show this Honorable Court the following:

1. This case involves a situation that requires Appellant to obtain documents from the Administrative Law Court to use as evidence in this case whereas ALC Judge S. Philip Lenski arbitrarily concluded that this case, which is a "prevailing wage" case is a "duplicate" of a "prevailing wage" case that was dismissed by ALC Judge Reibold because Appellant claimed that he was owed wages for work performed prior to 1995, however, this case is actually a duplicate to a case that was GRANTED by the Honorable Deborah Brooks Durden and this case should not have been dismissed after being placed back on the docket from being held in abeyance, without giving Appellant an opportunity to be heard.

2. Appellant's documents were water damaged and he is attempting to obtain the necessary documents from the Administrative Law Court, which he anticipates will take a few weeks due to he and others experiencing delays of up to one month in receiving a reply from the ALC;

3. Appellant needs more time to research the Court Rules and cases needed to prosecute this appeal and his access to the Law Library is limited whereas even though a Westlaw App on the Tablet may theoretically be used, it experiences problems for anywhere from a few hours to a few days, providing messages such as, "This material has Been Restricted," or, "There is no server available to complete your request."

4. Appellant anticipates that he will be subject to more lock downs during the holidays due to the shortage of staff and his access to the regular law library will be curtailed because of the holidays and it only allows access to four (4) inmates at a time;

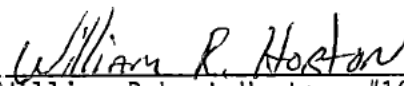
5. Appellant will be prejudiced should he not be able to obtain copies of these important documents and obtain more time to conduct reasonable research;

6. This Motion For Extension Of Time is not being sought as a delay tactic and the Respondent will not be prejudiced in any way if this Court grants this motion.

7. Appellant Swears under penalty of perjury that the foregoing facts are true and correct, except those facts stated upon information and belief and as to those facts, Appellant believes them to be true.

~~WHEREFORE~~, Appellant ~~PRAYS~~ that this Honorable Court ~~Enlarge the Time for~~ Filing his Initial Brief thirty (30) days, thereby extending the time for him to file and serve his Initial Brief and Record On Appeal until January 19, 2024, and, that this Honorable Grant such other and further relief this Court deems fair and just.

December 12, 2023
Fairfax, South Carolina


William Robert Horton, #109013
Allendale Corr., Inst., F3-B50
1057 Revolutionary Trail
Fairfax, SC 29827

Appellant, Pro Se

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William Robert Horton, #109013.....Appellant,

v.

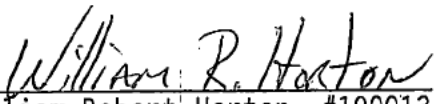
The South Carolina Department
of Corrections.....Respondent.

CERTIFICATE OF SERVICE

I, William R. Horton, hereby CERTIFY under penalty of perjury that I have on this date, served a True copy of a Motion For Extension Of Time, in this matter, upon the above Respondent by depositing a copy of same into the United States Mail, First Class Postage prepaid, addressed to:

~~Barton Vincent, Esc.~~
Office of General Counsel
South Carolina Department of Corrections
P.O. Box 21787
Columbia, Sc 29221-1787

December 12, 2023
Fairfax, South Carolina


William Robert Horton, #109013
Allendale C.I., F3 B-50
1057 Revolutionary Trail
Fairfax, SC 29827
(NO PHONE)
Appellant, Pro Se

William R. Horton, #109013
Allendale Corr., Inst., F3 B-50
1057 Revolutionary Trail
Fairfax, SC 29827

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SC Court of Appeals

Honorable Jenny A. Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: William Robert Horton, #109013 v.
South Carolina Department of Corrections
Case No. 2023-001814

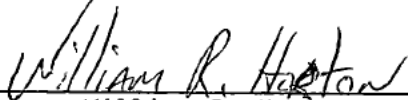
Dear Ms. Kitchings:

Enclosed for filing in the above referenced case, please find a Motion For Extension Of Time and a Certificate of Service of same upon the Respondent's General Counsel.

Also enclosed, please find an additional copy of each of those documents that I ask that you please file stamp and return to me for my records.

As always, I thank you in advance for your assistance in this matter.

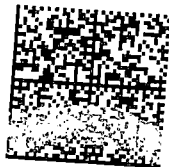
Respectfully,



William R. Horton

cc: FILE

William R. Horton, #109013
Allendale Corr., Inst., F3 B50
1057 Revolutionary Trail
Fairfax, SC 29827



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Honorable Jenny Abbott Kitchings, Clerk
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