

Jeffrey Eugene Jeter #131471
Chesterfield South #1231
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina
29010-1775

PRO SE PETITIONER

SOUTH CAROLINA SUPREME COURT
CLERK OF COURTS OFFICE
Daniel E. Shearouse, Clerk
Post Office Box 11330
Columbia, South Carolina
29211-1330

RECEIVED

AUG 07 2013

S.C. SUPREME COURT

RE: Jeter v. State, #2013-000215

Dear Clerk,

Enclosed for filing are:

- (1). Motion To Extend Time Pursuant To Rule 263(b), SCACR;
- (2). Affidavit Of Jeffrey Eugene Jeter #131471 In Support Of Motion To Extend Time Pursuant Rule 263(b), SCACR; and
- (3). Proof Of Service.

Thank you for your time and attention to these matters.

July 31, 2013

Respectfully Submitted,

Jeffrey Eugene Jeter

rds/JEJ

cc: FILE
CLERK
ELLIOTT
PACHAK

Jeffrey Eugene Jeter #131471
Chesterfield South #1231
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina
29010-1775

PRO SE PETITIONER

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
From The Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. #2013-000215

Jeffrey Eugene Jeter Petitioner,

vs.

State of South Carolina Respondents.

MOTION TO EXTEND TIME PURSUANT
TO RULE 263(b), SCACR

This matter comes before this State's Supreme Court where Petitioner has filed a timely Notice of Appeal from an adverse Post-Conviction Relief ("PCR") proceeding dated January

18,2013. The Honorable J. Mark Hayes, II, Circuit Court Judge issued an Order of Dismissal, with prejudice, denying the relief sought within the PCR application.

On June 28, 2013, Robert M. Pachak, Esquire, of the Appellate Defense Office served a (1) Johnson Petition For Writ of Certiorari; and (2) Petition To Be Relieved As Counsel.

On July 1, 2013, the Honorable Daniel E. Shearouse, Clerk of Court for this Court served a notice that Petitioner has forty-five (45) days in which to serve upon this Court, and all parties associated herewith, a pro se response to the served petition . This Petitioner was served the Courts notice, via Institutional Mail Services, on July 3, 2013.

Petitioner is before this Court in a motion to extend time, beyond the already existing 45-days due to circumstances that are outside his control. As this Court is aware, this Petitioner is an inmate within the custody and control of the South Carolina Department of Corrections ("custodians"), and therefore, subjected to limitations and obstacles that have the propensity in which to impede or interfere with his time constraints that have been placed upon by the Appellate Court Rules that guide the procedures of this Court. This hinderance and obstruction is a creation of his incarceration.

These custodians have policies and procedures which limit Petitioner's accessibility to the Law Library, copying and mail room services. This facility has an approximate population of 1,800 inmates, and only permits seating in the Law Library section for fifteen (15) inmates. And that includes the Inmate Clerks that assist in the operations of this portion of the facility. There are 6 living units here at Lee Correctional Institution, each has it's own assigned day to utilize the Law library. When Petitioner is permitted to utilize the Law Library, he is severely limited in time. Generally, Petitioner may only be allowed to conduct legal research 4-hours per week. This has severely hindered his ability to research and prepare the pro se matter for this Court's consideration. The clock has began to run relating to the existing 45-day, and additional time is sought, and required, to prepare and serve the pro se response.

Furthermore, this motion to extend the time is not sought as a means to harass, caused undue delay nor waste the the time and economics of this Court, nor any party associated herewith. Petitioner believes and takes the stance that, this motion is a proper vehicle in which to seek the relief requested. Also, this type of motion is commonly utilized in order to ensure

that the preservation of each party in pursuit of their appellate rights is protected and adhered to, thereby providing fundamental fairness within these types of proceedings.

Petitioner is of the position that he should be granted relief in the form of extending the existing deadline, thirty (30) days, beyond the August 16, 2013 due date, as sought within this motion to extend the time. This should place the extended due date at September 16, 2013. This would definitely provide this pro se Petitioner with sufficient amounts of time to have this matter served upon this Court, and all parties associated hereto. It is essential that this time be given in order to prepare, copy and serve this matter.

CONCLUSION

WHEREFORE this Petitioner respectfully seeks of this Court a written order granting the relief sought herein as extending the due date for the pro se response from August 16, 2013, until September 16, 2013.

July 31, 2013

Respectfully Submitted,

Jeffrey Eugene Jeter

Jeffrey Eugene Jeter #131471
Chesterfield South #1231
Lee Correctional Institution
990 Wisacky Highway
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29010-1775

PRO SE PETITIONER

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
From The Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. #2013-000215

Jeffrey Eugene Jeter Petitioner,

vs.

State of South Carolina Respondents.

AFFIDAVIT OF JEFFREY EUGENE JETER #131471
IN SUPPORT OF MOTION TO EXTEND TIME
PURSUANT TO RULE 263(b), SCACR

Personally appeared before me, Jeffrey Eugene Jeter
#131471, pro se Petitioner, who being duly sworn, under penalty
of perjury, deposes and says:

1). I am Jeffrey Eugene Jeter #131471 (hereafter, (Affiant"), the Affiant to this Affidavit and pro se Petitioner in this matter.

2). Affiant is an inmate within the custody and control of the South Carolina Department of Corrections ("SCDC"), serving an aggregated sentence of forty (40) years.

3). Affiant has been faced with difficulties which relate to his incarceration, his ability to adequately utilize the prison Law Library, due to limited seating capacity in accommodating those inmates who have pending legal matters.

This has caused Affiant to be placed in a position where he does not have sufficient time to utilize the resources available to him. This additional time would ensure his ability to competently and adequately prepare, copy and serve the pro se response. It is Affiant's position and stance that his case has merit and that the issues which will be presented to this Court, are of great merit and will require relief favorable to him.

4). Affiant would attest that this additional thirty (30) days, sought within the attached motion, will allow sufficient time and opportunity to assert his rights in this

Court. Four hours accessibility, per week, places a severe disadvantage upon him to conduct the proper legal research. Several of the issues that Affiant wishes to submit for this Court's review are complex and require tedious attention.

Affiant does not believe that this additional time is unnecessary or is used as stall tactic, but is an effective mechanism to ensure he's provided a means in which to have all available matters reviewed by this Court.

5). This Affidavit is submitted, sworn and subscribed to consistent with Rule 43(d), of the South Carolina Rules of Civil Procedure, SCRPC; Rule 603, of the South Carolina Rules of Evidence, SCRE; and Rule 11(a) and (c), SCRPC.

AFFIANT SAYETH NO FURTHER

Jeffrey Eugene Jeter

July 31, 2013

Respectfully Submitted,

Jeffrey Eugene Jeter #131471
Chesterfield South #1231
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina
29010-1775

PRO SE AFFIANT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
From The Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. #2013-000215

Jeffrey Eugene Jeter Petitioner,

vs.

State of South Carolina Respondents.

PROOF OF SERVICE

I certify that I have served the: (1) Motion To Extend Time Pursuant To Rule 263(b), SCACR; (2) Affidavit Of Jeffrey Eugene Jeter #131471 In Support Of Motion To Extend Time Pursuant Rule 263(b), SCACR; and (3) Proof Of Service, upon Respondents counsel of record, by depositing a copy of the same in the United States Mail, First Class postage affixed thereon, addressed to the following:

SOUTH CAROLINA OFFICE OF THE ATTORNEY GENERAL
Salley W. Elliott, Esquire
Assistant Deputy Attorney General
Post Office Box 11549
Columbia, South Carolina
29211-1549;

SOUTH CAROLINA SUPREME COURT
CLERK OF COURTS OFFICE
Daniel E. Shearouse, Clerk
Post Office Box 11330
Columbia, South Carolina
29211-1330; and

SOUTH CAROLINA OFFICE OF APPELLATE DEFENSE
Robert M. Pachak, Esquire
Assistant Deputy Appellate Defender
Post Office Box 11589
Columbia, South Carolina
29211-1589.

July 31, 2013

Respectfully Submitted,



Jeffrey Eugene Jeter #131741
Chesterfield South #1231
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina
29010-1775

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AUG 1 2013

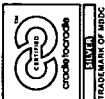
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THE DEPARTMENT OF CORRECTIONS HAS NOT REVIEWED
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
ACCEPT ANY RESPONSIBILITY FOR ITS WRITTEN CONTENTS.

LEE CORRECTIONAL INSTITUTE
SC DEPARTMENT OF CORRECTIONS

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