

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable Ralph King Anderson, III, Administrative Law Judge

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APR 09 2024
SC Court of Appeals

ALC Docket No. 23-ALJ-15-0031-AP
Appellate Case No. 2024-000295

Michael J. Pettinato, #218405,.....Appellant,

v.

South Carolina Department of Probation,
Parole and Pardon Services,.....Respondent.

MOTION FOR EXTENSION OF TIME

Michael J. Pettinato, the above named Appellant, proceeding in this action Pro Se, respectfully moves this Honorable Court pursuant to SCACR, Rule 240, for an Order Granting Appellant an Extension of Time in which to file and serve his Initial Brief and Designation Of Matter To Be Included In The 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 March 4, 2024. Appellant's Initial Brief and Designation Of Matter To Be Included In The Record On Appeal are due to be filed by April 3, 2024. Appellant seeks twenty (20) additional days in which to file and serve his Initial Brief and other documents.

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

1. This case requires Appellant to conduct extensive research, whereas the ALC dismissed this case based upon an absolute arbitrary and capricious finding that it lacked jurisdiction, because Pettinato **allegedly** filed and served his Notice of Appeal to the ALC on September 26, 2023, making it untimely, when the fact of the matter is, Pettinato filed and served his Notice Of Appeal on July 5, 2023 and not on September 26, 2023.

2. Pettinato's Brief will show that he filed his own typed Notice Of Appeal and Certificate of Service on July 5, 2023, because neither the ALC nor the DPPPS would provide him with the "Mandatory Form," for whatever reason, although Pettinato and another person asked for Notice of Appeal Forms to be sent to him, through one phone call to Respondent in April of 2023, and then letters to the DPPPS and/or the ALC in April, June, July, August, and September, before the Mandatory Form was eventually sent to him in September of 2023.

3. Pettinato's research has been "slow" whereas his access to the West Law App on the Tablet has been severely restricted from February to the present time, his tablet became inoperable from March 1, 2024 through about March 14, 2024 under suspicious circumstances, his searches on the Law Library App often result in messages being displayed stating: "GO BACK," "RESTRICTED," and other such nonsense, when those cases ARE NOT RESTRICTED and even restricting SCDC's Policy App.

4. Pettinato is 66 Years old, with a pacemaker, with very poor eyesight, in a wheel chair because of chronic medical issues and pain in his back and extremities, housed in a cell about the size of a closet with a 26 year old youngster, which are not ideal conditions for typing legal pleadings, and Pettinato needs more time to conduct his research, prepare documents, etc., probably because of a little dementia also settling in.


5. Pettinato wishes to continue to pursue his rights through this appeal if possible, despite the fact that the damage has already been done due to the lawlessness of the SCDPPPS in arbitrarily denying him his right to appear before the Board for his parole hearing, Denying him Due Process, Denying him proper Notice of the Time and Place of the Hearing, destroying or hiding four Parole Support Letters and falsely claiming to have received only ONE, and, inter alia, Implicitly asserting that, because it is a State Agency, it has the discretion to disregard the law and its own Rules, Regulations and Policy, at its whim.

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 and Designation Of Matter To Be Included In The Record On Appeal, twenty (20) days, thereby extending the time for him to file and serve the above mentioned documents until April 23, 2024, and, that this Honorable Grant such other and further relief this Court deems fair and just.

March 29, 2024
Fairfax, South Carolina


Michael J. Pettinato, #218405
Allendale Corr., Inst., F3-A24
1057 Revolutionary Trail
Fairfax, SC 29827

Appellant, Pro Se

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Michael J. Pettinato, #218405,.....Appellant,

v.


South Carolina Department of Probation,
Parole and Pardon Services,.....Respondent.

CERTIFICATE OF SERVICE

I, Michael J. Pettinato hereby CERTIFY 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:

S.C. Department of Probation,
Parole and Pardon Services
Attn: Matthew C. Buchanan
General Counsel
293 Greystone Blvd.
P.O. Box 207
Columbia, SC 29202

April 1, 2024
Fairfax, South Carolina


Michael J. Pettinato, #218405
Allendale C.I., F3 A-24
1057 Revolutionary Trail
Fairfax, SC 29827

Appellant, Pro Se

Michael J. Pettinato, #218405
Allendale Corr., Inst., F3 A-24
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Fairfax, SC 29827

March 29, 2024

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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: Michael J. Pettinato, #218405 v. SCDPPPS
MOTION FOR EXTENSION OF TIME
Case No. 2024-000295

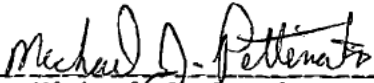
Dear Ms. Kitchings:

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,



Michael J. Pettinato

cc: Matthew C. Buchanan
FILE

Michael J. Pettinato, #218405
Allendale Corr., Inst., F3 A-24
1057 Revolutionary Trail
Fairfax, SC 29827

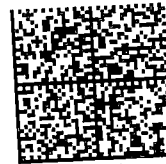
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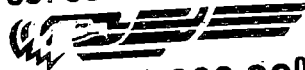
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Honorable Jenny A. Kitchings, Clerk
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Columbia, SC 29211

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