

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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On Appeal from: The Administrative Law
Court: John D. Mcleod, ALJ.
Case # 2013-ALJ-15-0010-AP

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Mathew S. Harris, #185709 - - - Appellant

Vs

SC. Probation, Parole, & Pardon Services - - Respondent

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Appellant Case # 2013-001399

MOTION TO FILE OUT OF TIME

RECEIVED

AUG 27 2013

SC Court of Appeals

I the appellant pro se, respectfully moves this court, pursuant to Rule 240 SCACR, to file the attached Initial Brief on Appeal, out of time, for good causes herin:

I received notice from the Clerk of Court dated Aug/15/2013; That the filing fees were received, and the initial brief and this motion must be received within 15 days from date of letter.

Facts

I received the order, (attached to notice of appeal) dated 6/7/13, from the ALC, dismissing the appeal from the SCPPPSB, for lack of jurisdiction, under the law, rec. 6/14/13.

I filed a request for certiorari/appeal inadvertently, in the SC. Supreme Court, and served all parties, to include the clerk of the ALC. By Order dated 6/27/13, the Supreme court, denied certiorari; But construed the request into a notice of appeal, and transfered case to this court of appeals.

By letter from this court, dated 7/11/13, I received order to file a formal Notice of appeal with filing fee. I received this letter/order on July/26/2013 here at evans. On 7/27/13 I filed a formal notice of appeal, and served all parties, and requested transfer of filing fee from the E.H. Cooper SCDC Account. I then received notice from this court that the Notice of

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appeal was received, but 10 days to submit filing fees.

It is now requested that the initial brief and Rule 240 SCACR motion , be filed within 15 days from 8/15/13.

Argument

I respectfully submit that any delay in filing the initial brief was not intentional, or in bad faith, and that the appeal from the ALC has merit, and should be filed and heard by the court justices. Time starts, 7/29/13.

I futher submit and argue that under §1-23-380 and §1-23-610, appeal from the ALC is a matter of right, and this case has meets the requirments: And question of law & fact, that warrants this courts attention.

I am an inmate, and under the SCDC control movement, and services, I have no control on rapid services for copies, mailing, and preparation of documents; and that I am complying to the best of my ability and resources.

Conclusion

I respectfully pray that this court will allow the filing of the initial brief out of time: And waive cost of this motion, and appoint counsel to prepare and file final briefs, and ROA.

August/24/2013

Respectfully

/s/ Matthew Harris

Tommy Evans, Jr
Counsel for Respondent
Office of General Counsel: SCPPPSB
PO. Box 50666
Columbia SC. 29250
Ph # 803-734-9220

Mathew S Harris
610 Hwy 9 West
Bennettsville SC. 29512
Ph # 843-479-4181
Appellant Pro Se

The State of South Carolina
In The Court of Appeals

To: Honorable Jenny A. Kitchings
Clerk of Court
PO Box 11629
Columbia, SC 29211

8/26/2013

Re: Matthew Harris # 157334 V. SCDPPPS
2013-ALJ-15-0010-AP App. Case 2013-001399

Sub: Filing Fees

Court,
Please find attached a check in the amount of \$25.00 for filing fee or Rule 240 SCACR
motion.

Sincerely,



Matthew Harris #157334
Evans Corr. Inst.
610 Hwy 9 West
Bennettsville, SC 29512

RECEIVED

AUG 27 2013

SC Court of Appeals

South Carolina Department of Corrections
Division of Finance
COOPER TRUST FUND WITHDRAWAL

Financial Accounting
Branch Use Only

Facility **LVANS**

Date **082613**
M M D D Y Y

ACCOUNT INFORMATION

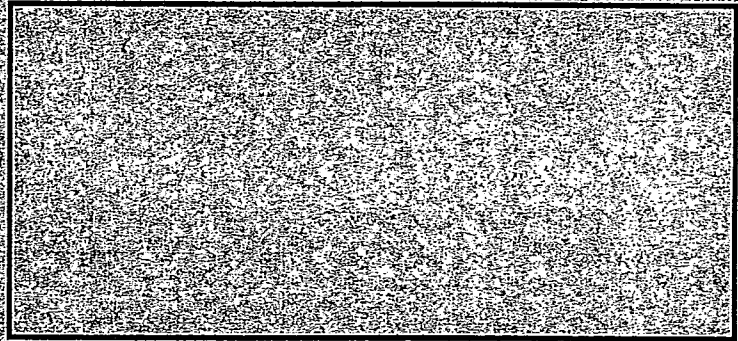
Account Number **157334**

Inmate # or Employee SS#

Account Name **MATTHEW S HARRIS**
First MI Last

I request money be taken from my account to issue a check for this amount to be mailed to payee shown below

\$ **25.00**



Matthew Harris
Inmate/Accountholder Signature

Jan [Signature]
Signature of Institution Staff Making Inmate ID Verification

Inmate Thumb & Index fingerprints required

PAYEE INFORMATION

Payee Name - select vendor OR individual

Vendor/Business **Clerk of Court**

Individual **Jenny A Kitchings**
First MI Last

PAYEE'S MAILING ADDRESS

Street/Box **Box 11629**

Street/box (optional line)

Columbia SC 29211
City State Zip Code

VENDOR ATTACHMENT: Y/N

If an ORDER or REMITTANCE form is attached for mailing with a check to vendor enter Y yes; if none, enter N. NO other types of attachments (letters, cards, etc.) will be accepted.