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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable Ralph King Anderson, III, Administrative Law Judge

Appellate Case No. 2024-000295

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

v.

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

MOTION FOR ENLARGEMENT OF TIME

This matter is before this Honorable Court on an Appeal of Michael J. Pettinato, a State Prisoner proceeding in this matter Pro Se and who filed this Appeal on February 26, 2024. Pettinato was granted Indigent Status.

Appellant would respectfully move this Honorable Court, pursuant to Rule 240, SCACR, for an Order Granting Appellant an Extension of Time, or other relief, in which to file and serve his REPLY BRIEF, RECORD ON APPEAL, and his FINAL BRIEF, in the above captioned case.

The Reply Brief, Record On Appeal and Final Brief have already been filed, but they may have been filed out-of-time based upon circumstances beyond Pettinato's control and he now requests an Extension of time to allow or excuse the purported late filings.

I.

Pettinato timely filed his Initial Brief and Designation of Matter on July 29, 2024. He received Respondent's Brief on August 12, 2024 and he filed and served his Reply Brief and Record On Appeal on August 19, 2024. Upon receiving his copies from the Clerk of Court, he discovered that it took about ten (10) days for his Reply Brief and Record On Appeal to reach the Court and thus, they were clock-stamped August 29, 2024, potentially making them untimely through no fault of Appellant.

This Motion may be considered submitted out of time because Appellant has, ~~since on or about August 21, 2024, fallen ill and has been suffering~~ from among other things, severe Flu like symptoms that left him bedridden for most of the time and that severely hinder his ability to function sufficiently to correctly prepare pleadings and perform tasks necessary for him to comply with Court Rules.

On September 6, 2024, Pettinato recovered sufficiently to prepare and file and serve the Final Brief Of Appellant although he remains confused and disoriented at times and the symptoms continue to persist on and off.

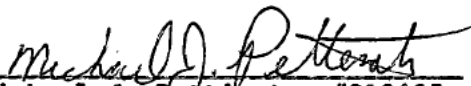
Respondent will not be prejudiced if this Court grants this motion.

Appellant Declares under penalty of perjury that the foregoing facts are true and correct.

WHEREFORE, Appellant PRAYS that this Honorable Court Extend the Time for Filing his Reply Brief, Record On Appeal and Final Brief where necessary, and that this Honorable Grant such other and further relief this Court deems fair and just.

September 12, 2024
Fairfax, South Carolina

Respectfully Submitted,


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

Appellant, Pro Se

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Honorable Ralph King Anderson, III, Administrative Law Judge

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

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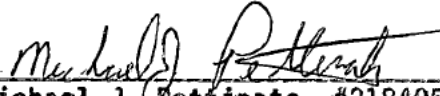
The South Carolina Department of Probation,
Parole and Pardon Services,.....Respondent.

CERTIFICATE OF SERVICE

I, Michael J. Pettinato, herein CERTIFY under penalty of perjury that I have on this date, served a Motion For Extension Of Time, in the above captioned case, upon the above Respondent, by depositing a copy of same into the U.S. Mail, First Class Postage prepaid, addressed to:

S.C. Dep't of Probation, Parole
and Pardon Services
Attr: Matthew C. Buchanan
SCDPPPS General Counsel
P.O. Box 207
Columbia, SC 29202

September 13, 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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SC Court of Appeals

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

September 12, 2024

Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Michael Pettinato, #218405 v. SCDPPPS
Appellate Case No. 2024-000295
Motion For Extension Of Time and;
Certificate of Service

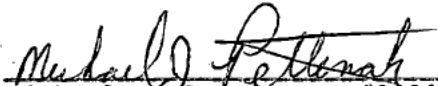
Dear Ms. Kitchings:

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

Also enclosed, please find a copy of each of the above documents that I ask you to please file stamp and return to me for my records, if you would please do so. I have enclosed a self addressed, postage prepaid envelope for your convenience.

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

Sincerely & Respectfully,


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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SC Court of Appeals

Honorable Jenny Abbott Kitchings, Clerk
S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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