

**RECEIVED**

NOV 15 2024

S.C. SUPREME COURT

The Supreme Court of South Carolina

James Mackey,

Petitioner,

V,

State of South Carolina

Respondent

Appellate Case No. 2024-001816

**MOTION FOR REINSTATEMENT**

I received notice that my appeal has been dismissed pursuant to Rule 203, SCACR that was filed November 6, 2024 and received by me on November 7, 2024. This motion is made pursuant to Rule 240, SCACR, for reinstatement of the appeal and that notice of appeal was timely. Petitioner filed Notice of Appeal on October 28, 2024, following a filing of PCR that was denied because of the affidavit. The Clerk issued an order which states, other something about the affidavit. See enclosed with notice of appeal dated 10/7/24. A check for \$70.00 were also submitted. The Clerk also sent a written order restricting future filings, that was issued on 27<sup>th</sup> day of July 2016. Petitioner has a petition pending in this same Court from May 20, 2019 and no order restricting future filings was ever issued. The Maxon order, or restricting future filing can't stop and start as they wish. See waiver is a voluntary and intentional abandonment of a known right. Skipper v. Perrone, 382 S.C. 53, 674 S.E. 2d 510 (Court of Appeals of South Carolina 2009). The Max order was never decided by this Court. The Clerk is estopped from applying Maxton now, this my PCR should have been filed.

**CONCLUSION**

Petitioner prays this Court would reinstate notice of appeal.

Dated

November 8, 2024

