

The South Carolina Court of Appeals

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MAY 08 2025

Christopher M. Kennan,
Appellant,

v.
South Carolina Department of Corrections,
Respondent

Appellate Case No. 2024-0018

Motion to Allow Late Filing

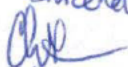
SC Court of Appeals

Plaintiff, Christopher M. Kennan (herein also, "I", "me" or "my") submits this Motion to Allow Late Filing and I am incorporating the included cover letter herein labeled "Exhibit A". Please also incorporate my actual appeal here - particularly page 4, for corroboration of facts. on 9/19/24, I received notice of the denial of my in forma pauperis application signed and dated by Clarendon County Court of Common Pleas Judge R. Fernell Cothran, Jr. (dated 9/12/24). I sent notice of appeal to this court, the lower court and (unrepresented Defendant "SCDC") on 9/28/24 (9 days later). I then submitted the appeal itself to all parties just listed on 10/18/24 (29 days counting the day I received the lower courts denial). I also sent copies to the SCAG's office.

To the extent this can be construed as a late filing I beg this court to grant this motion to Allow Late Filing. I am a pro se, incarcerated plaintiff with limited access to legal resources and training. I am pursuing claims related to both South Carolina State and Federal Constitutional violations. In some cases this state court is held out as the sole remedy (i.e. SCTCA claims). I simply want my case to be allowed to be presented and any error on my part should be liberally construed if it pleases the court. Last month (April, 2025) I received the proceeds of a settlement for Federal issues concerning overlapping issues in this case. I am now able to pay all filing fees and I beg the court to know my exact restitution amount.

Please keep in mind that the lower courts refused to file my file and assigned no case # prior to my in forma pauperis application being denied and only did so upon remand and order from this Court of Appeals. This complaint was assigned case # 2024-CP-14-00548. All of the issues of my appeal are now resolved except for payment of fees and possible future questions related to the tolling of this case while proceeding through multiple appeals, and relevant statute of limitations. While I believe I adhered to time limits set forth in SCACR to file my notice of appeal, if this court deems otherwise, I beg your honor to grant this motion to Allow Late Filing for this pro se, incarcerated, inmate plaintiff who merely wants to seek redress for purported State and Federal Constitutional violations he endured.

Thank you,
Sincerely,



Christopher M. Kennan #385016
Ruger River C/H / 200 Prison Road / Ewanee, SC 29335
Executed on this 1st day of May, 2025

ATTN: Clerk of Court
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29201

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5/11/25
Exhibit A

SC Court of Appeals

Re: Appellate Case No. 2024-001861 (Lower Court assigned Case# 2024-CP-14-00548)
Dear Clerk of Court and Your Honor(s),

On Wednesday, April 30, 2025, I received a letter from this Court dated 4/23/25 and signed by Deputy Clerk - Catherine Harrison. In this letter I was given ten (10) days from the letter date to correct certain deficiencies: "The document has not been timely filed. A Motion to allow the late filing will have to be made." The problem I have is that I don't believe I was late in sending any of the required parties (including underserved Defendant - SCDC) my notice of Appeal. Enclosed, along with this letter, to file is my Motion to Allow Late Filing in order to prevent this case's dismissal.

On 9/12/2024, Clarendon County Court of Common Pleas Judge denied my in forma pauperis application, and Clerk Beulah Roberts refused to assign any case number for my case. I originally sent them this complaint on 8/30/24.

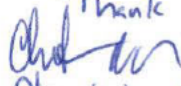
I received this denial/refusal to file on 9/19/24 and I filed my notice of Appeal with the lower court, this Court and with underserved defendant "SCDC" - along with notice to the SCAG, on 9/28/24 (Nine days later). I was within the ten (10) days allowed by SCACR to send notice of Appeal.

On 10/18/24 (29 days after I received notice of denial) I filed the appeal itself. Later, this Court ordered the inferior court clerk to "perform [her] ministerial duties and assign a case # to my complaint. My case was held in abeyance.

Recently, while settling certain Related Federal claims, SCDC's attorney told me that as of March, 2025 my case was not on the docket and I sent this Court the response I received from the (new) Clarendon County Court of Common Pleas Clerk, in which she wrote that my appeal was denied - though it was not.

Again, I am including my "Motion to Allow Late Filing" because you asked me to, but again, I filed my notice of Appeal to all appropriate parties within nine (9) days of my receipt of Judge Cathra's denial and I filed the appeal itself 29 days after I received this denial.

Please file this cover letter as an attached Exhibit A to go along with the enclosed motion.

Thank you. Sincerely,

Christopher M. Kennan #385016
Tyger River ctk
200 Prison Road/Enoree, SC 29335

Certificate of Service

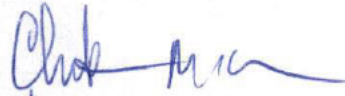
Plaintiff, Christopher M. Kennan, swears that he submitted the enclosed documents, to the addresses listed below, using Tyger River CII prison mail:

① [Defendant] SCDC's Office of General Counsel
4444 Broad River Road
Columbia, SC 29210

② Clerk of Court
Clarendon County Court of Common Pleas
P.O. Box 136
Manning, SC 29102

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Submitted on this 1st day of May, 2025 using Tyger River CII's mail system.


Christopher M. Kennan # 385016 (pro se Plaintiff)
Tyger River CII
200 Prison Road
Enoree, SC 29335

Christopher M. Kennan #385016
Tyger River Ct
260 ~~Liberty~~ Prison Rd
Enoree, SC 29335

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TYGER RIVER MAILROOM

Let's mail

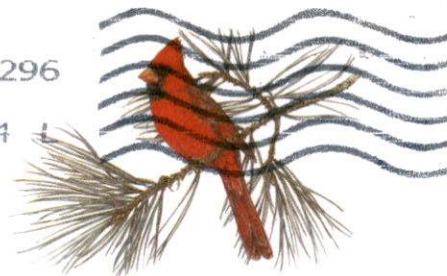
SCDC
Christmas
Packet

Clerk of Court
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

29211-162929

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