

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS

H. STEVEN DEBERRY, IV CIRCUIT COURT

RECEIVED

AUG 21 2025

JUDGE
SC Court of Appeals

Dennis Maurice Temple,

Appellant,

v.

State of South Carolina,

Respondent,

Appellate Case No. 2024-001193

OBJECTIONS AND MOTION FOR EXTENSION OF TIME

Comes now the undersigned pro se appellant who objections to the clerk of court granting the respondent's first and second extension of time via correspondence. Appellant motion the court pursuant to Rule 240 of the South Carolina Rules of Appellate to strike all unfavorable parts of respondent's Initial Brief and Designation of matter to be included in the Record on Appeal and sanctions or Dismissal imposed and request a (90) day extension of time to file a reply brief.

STATEMENT OF THE CASE CASE

1. Appellant, Dennis M. Temple is a inmate at Tyger River Correctional Institution of the South Carolina Department of Corrections. Appellant has a appeal pending in the South Carolina Court of Appeals regarding the lower court Anderson/Oconee Court circuit Judge H. Steven Deberry, Iv granting the state of South Carolina Motion to dismiss appellant's State Habeas Corpus action see. Temple v. State of South Carolina, 2023-cp-37-00517.

2. On November 1, 2024 the South Carolina Court of appeals deduty clerk, Catherine Harrision informed all parties that this appeal is allowed to proceed and that the transcript must be order within thirty (30) days of the date of this letter.

3. On March 12, 2025 appellant wrote a correspondence to the South Carolina Court of Appeals regarding the state's subdivision the South Carolina Department of Corrections officers not providing him with photo copies of his legal documents to be presented to the court.

4. On May 8, 2025 the South Carolina Court of Appeals clerk, Jenny Abbott Kitching wrote appellant a correspondence stating as follows: "Quote"

" Dear Mr. Temple

The court received your correspondence concerning copies of the transcript in the above mentioned appeal. If you wish for the court to take some action you must file a motion. No further action will be taken on your correspondence at this time.

5. On May 14, 2025 appellant filed his Initial Brief and Designation of Matters to be included in the Record on Appeal and the Record on Appeal with the South Carolina Court of Appeals and on respondent's attorneys.

6. On May 16, 2025 the South Carolina Court of Appeals deputy clerk, Catherine Harrison wrote appellant a correspondence stating as follows: " Quote'"

" Dear Mr. Temple;

The Court has received your record on appeal in the above- ment ioned appeal. It is not yet time for the record on appeal to be filed. The record on appeal should be served thirty (30) days after the filing of the respondent's initial brief and designation of matters, or twenty (20) days after the filing of any initial reply brief. Our records reflect that the respondent's initial brief and designation of matter are due June 4, 2025. Your documents are being returned to you.

APPELLANT OBJECT'S TO THE CLERK'S GRANTING THE RESPONDENT'S FIRST EXTENTION OF TIME VIA CORRESPONDENCE.

OBJECTION # I

7. On June 4, 2025 the respondent attorney, Talida Balaj Assistant Attorney General wrote a correspondence to Jenny Abbott Kitching, clerk of the South Carolina Court of Appeals stating as follows: " Quote"

" Dear Ms. Kitchings:

Respondent's Initial Brief of Respondent and Designation of matter in the above-reference post-conviction relief appeal is due to be served and filed today. Respondent respectfully requests a

first, thirty-day extension to serve and file these documents based on the heavy caseload of undersigned counsel.

If I can provide the court with any additional information regarding this extension request. Please let me know."

8. On June 10, 2025 Jenny Abbott Kitching, clerk of the South Carolina Court of Appeals issued a order stating as follows:
" Quote "

" The time for serving and filing the initial brief of respondent and designation of matter is hereby extended until July 7,2025."

APPELLANT OBJECTION TO THE CLERK'S GRANTING THE RESPONDENT'S
SECOND EXTENTION OF TIME VIA CORRESPONDENCE

OBJECTION # II

9. On July 7,2025 the respondent attorney Talida Balaj, Assistant Attorney General wrote a correspondence to Jenny Abbott Kitching, clerk of the South Carolina Court of Appeals stating as follows: " Quote "

" Dear Ms. Kitching:

Respondent's Initial Brief of respondent and Designation of matter in the above-reference post-conviction relief appeal is due to be served and filed today. Respondent respectfully request a second, thirty-day extension to serve and file these documents based on the heavy caseload of undersigned counsel.

If I can provide the court with any additional information regarding this extension request, please let me know.

10. On July 8, 2025 Catherine Harrison, Deputy clerk of the South Carolina court of Appeals issued a order stating as follows: " Quote "

" The time for serving and filing the initial brief of respondent and designation of matter is hereby extended until August 6, 2025 No further extension will be granted absent extraordinary circumstances.

AUGUMENT

On June 4, and July 7, 2025 respondent's attorney did not file a motion for a extension of time- only a correspondence was filed with the court and on appellant as well. However, the clerk of court granted the respondent it's first and Second (30) days extension of time to file it's initial brief and Designation of matter to be included in it's record on appeal.

On March 12, 2025 appellant wrote a correspondence to the South Carolina Court of Appeals regarding the respondent's subdivision (the South Carolina Department of Corrections)(SCDC) officers not providing him with photo copies of the transcript to be presented to the court.

On May 8, 2025 the South Carolina Court of Appeals clerk, Jenny Abbott Kitchings wrote appellant a correspondence stating as follows: " Quotew"

" Dear Mr. Temple:

" The Court received your correspondence concerning copies of the transcript in the above mentioned appeal. If you wish for the court to take some action you must file a motion. No further action will be taken on your correspondence at this time."

Appellant was denied action by the clerk's on his correspondence and was told by the clerk you must file a motion. However, the clerk of court of the South Carolina Court of Appeals granted the respondent's attorney Talida Balaj a first and second (30) days extension of time, without filing any motion. Respondent only filed a correspondence.

LAW / ANALYSIS

A determination in this case requires an evaluation of Rule 240 of the South Carolina Appellate Court Rules (SCACR) the requirements of filing motions and petitions Generally.

" When interpreting a court rule, an appellate court applies the same rules of construction used in interpreting) statutes. state v. Brown, 344 S.C. 302, 307,543 S.E.2d 568,570 (ct.App.2001) Thus, the language of a rule must be given it plain and ordinary meaning without resort to subtle or forced construction to limit or expand the rule.(quoting State v. Oglesby, 384 S.C. 289, 681 S.E.2d 620 (2009).When the language of a court rule is clear and unambiguous, the court is obligated to follow its plain and ordinary meaning.

RULE 240. SCACR

RULE 240, MOTIONS AND PETITIONS GENERALLY

(a) Applicability. This Rule governs all motions or petitions filed in the appellate Court, including but not limited to: motions for extension of time, motions to reinstate, petitions for rehearing, motions to be relieved as counsel or for substitution of Counsel, petitions for supersedeas, motions to remand or dismiss and petitions for hearing en banc. Where Rules 241 through 246 provide different or additional requirements or procedures, those requirements or procedures, those requirements or procedures shall apply.

(c) Form and content of motions and Petitions. All motions or Petitions filed in an appellate court shall be in writing, shall state the grounds thereof, and shall comply with the requirement of Rule 267. The pages..... etc, etc

(d) Filing of motions and Petitions. The motion or petition shall be filed with the clerk of the appellate court, and a copy shall be served upon each party.....etc.. etc

(e) Return to Motion. Any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file a return with the clerk and serve on all parties a copy of the return, provided, however, that a return etc.. etc

(g) Failure to comply. Failure of the moving party to perform any act required by the Rule may be deemed an abandonment of the motion or petition.

(j) Authority of an individual Judge or Justice. Except where these rules require the concurrence of two or more members of an appellate court, an individual judge or justice may grant or deny any motion or petition on behalf of the court. Any review of an order issued by an individual judge or justice shall be by petition for rehearing.

" Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty or property interests within the meaning of the Due process clause of the Fifth or fourteenth Amendment of the United States Constitution. Kurschner v. City of Camden Planning Comm'n , 376 S.C. 165, 171, 656 S.E.2d 346, 350 (2008). Fundamentally, due process requires notice, a meaningful opportunity to be heard, and judicial review Id. (quoting Thompson v. State, 415 S.C. 560 785 S.E.2d 189 (2016)).

" Due process demands impartiality on the part of those who function in judicial or quasi-judicial capacities." Similarly, he has the right to have a judge assigned to his case" in a manner free from bias or the desire to influence the outcome of the proceedings. Cruz v. Abbate, 812 F.2d 571, 574 (9th Cir. 1987).

We find that the clerk of court erred by granting the respondents a first and second motion for extension of time via correspondence; deprived the appellant the right to oppose the motion within 10 days; failure to comply with SCACR 240; clerk of court had no authority to grant or deny the motion. As a result, appellant was denied substantial and procedural due process in violation of State of South Carolina and United States Constitutional rights.

APPELLANT MOVES THE COURT FOR AN ORDER TO STRIKE AND SANCTION ALL UNFAVORABLE PARTS OF RESPONDENTS INITIAL BRIEF AGAINST APPELLANT AND REQUEST AN EXTENSION OF TIME OF 90 DAYS DUE TO THE RESPONDENCE FAILURE TO SERVE APPELLANT WITH ITS INITIAL BRIEF IN A TIMELY MANNER AND OTHER ISSUES PENDING IN THIS CASE BEFORE THE COURT.

Appellant, Dennis M. Temple is an inmate at Tyger River Correctional Institution of the South Carolina Department of Corrections. On July 10, 2023, appellant filed a State Habeas Corpus Action in the Oconee County Court of Common Pleas pursuant to Rule 65(f)(1) of the South Carolina Rules of Civil Procedure against the State of South Carolina; Director Bryan Stirling; and Warden Shane Jackson for placing and holding him incarcerated in prison in violation of appellant's 4th, 5th, 6th, 8th and 14th Amendment rights of the United States Constitution and South Carolina Constitution Article 1, sections 3, 12, 14, & 15 and South Carolina Statutory codes of laws.

Appellant seeked to take advantage of the deprivation of Constitutional principles recognized after his trial, appeal and exhaustion of state post-Conviction Relief proceedings and federal Habeas Corpus actions.

Appellant was bereaved of substantial and procedural Constitutional rights and in the setting, constitute a denial of fundamental fairness shocking to the Universal sense of justice.

Wherefore, the appellant moves the court for a writ of Habeas Corpus for a order directing the State of South Carolina; Director Bryan Stirling and Warden Shane Jackson to provide the appellant with a new trial; a new preliminary hearing and/or release him from prison or/and such other and further relief in favor of the appellant as the court deems just and appropriate.

Appellant filed numerous motions in this case from July 24, 2023- threw- May 31, 2024. see. Appellant Initial Brief. p.4-8.

On March 8, 2024 respondent filed a Return and Motion to Dismiss appellant's petition for Writ of Habeas Corpus. see. Appellant's Initial Brief. p.7

On April 9, 2024 a hearing was held at the Anderson County Courthouse regarding appellant's petition for Writ of Habeas Corpus and the state's attorney's Talida Balaj motion to Dismiss the petition before the presiding Judge H. Steven Deberry, Iv. see. Appellant's Initial Brief. p.7

On May 17, 2024 Judge H. Steven Deberry, Iv filed a final order of Dismissal in the Oconee County, Court of Common pleas, the court granted respondent's motion to Dismiss and stated the petition is procedural barred, leaving this court without Jurisdiction.

On May 31, 2024 appellant filed a motion to Alter or Amend Judgment pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedures requesting the court to Alter or Amend Judgment in it's final order of dismissal, but failing to rule on all of the appellant's arguments, claims, defense and raised issues.

On July 1, 2024 Judge Deberry filed a order denying appellant motion to Reconsider with the Oconee County, Court of Common pleas.

On July 22, 2024 the appellant filed a notice of Appeal in this case and a Amended Notice of Appeal on August 9, 2024.

On October 16, 2024 appellant filed a Explanation Brief with the South Carolina Court of Appeal.

On November 1, 2024 the South Carolina Court of Appeals deputy clerk, Catherine Harrison informed all parties that this appeal is allowed to proceed and that the transcript must be order within thirty (30) days of the date of this letter.

On November 13, and February 12, 2025 Talida Balaj, the Assistant Attorney General informed the appellant and court that she ordered the transcript on November 13, 2024 and once the transcript is received they will update the court and provide a copy to appellant.

On April 16, 2025 appellant received a copy of the transcript from Talida Balaj, Assistant Attorney General via of U.S. mail.

On May 14, 2025 appellant filed his Initial Brief, Designation of matter to be included in the Record on Appeal and the Record on Appeal with the South Carolina Court of Appeal and respondent attorneys.

On May 16, 2025 the South Carolina Court of Appeals, clerk inform the appellant that respondents Initial Brief and designation of matter are Due on June 4, 2025.

On June 4, 2025 respondent's attorney requested a extension of time to file and serve it's Initial Brief and Designation of matter to be included in the Record on Appeal via correspondence. The clerk of court granted a (30) day extension of time up to July 7, 2025.

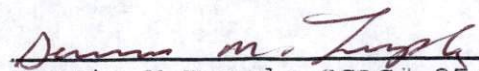
On July 7, 2025 respondent's attorney requested a second extension of time to file and serve it's Initial Brief and Designation of matter to be included in the Record on Appeal via correspondence. The clerk of court granted a second (30) day extension of time up to August 6, 2025.

On August 13, 2025 the appellant went to the Prison mail room to receive his legal mail from Mr. Crider mailroom personal at Tyger River Correctional institution. Mr. Crider had appellant to sign for his legal mail, However, Mr. Crider open the box from Talida Balaj, Assistant Attorney General and flipped threw the pages. Crider alleged the legal mail contained crime scene photos and that appellant could not have any of it and that he was going to send the legal mail to Headquarter in Columbia for

it to review the legal documents.

We find that the respondent's Initial Brief and Designation of matter to be included in the record on Appeal have not been served upon the appellant within the allotted time prescribed by the court order. As a result, appellant move the court to strike unfavorable parts of respondent's Initial Brief and sanctions imposed and request a extension of time of (90) days due to the respondent's failure to serve appellant with a copy of it's Initial Brief and Designation of matter to be included in the Record on Appeal, to file a Reply Brief starting when ever it's served on appellant.

Respectfully Submitted,


Dennis M. Temple, SCDC# 274802
Tyger River Corr. Inst, Unit 10
200 Prison Road
Enoree, South Carolina 29335

August 18, 2023

Latasha Jefferson
Post Office Box 5682
Greenville, South Carolina 29606

RECEIVED

IN Re: A hearing transcript you transcribed
Docket No. 2023-CP-37-00517

AUG 21 2025

SC Court of Appeals

Dear Ms. Jefferson:

My name is Dennis Temple. I am a inmate at Tyger River Correctional Institution of the South Carolina Department of Correction

On April 10, 2025 Ms Jefferson you transcribed a Habeas Corpus Action hearing that was held at the Anderson County Courthouse on April 9, 2024. You certified the transcript and stated the following: " Quote "

" I, Latasha Jefferson, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 10 of Oconee County, South Carolina on March 9, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

TRANSCRIPT ERRORS

1. Ms Jefferson you stated that the hearing was held on March 9, 2024. However, the hearing was really held on April 9, 2024. see. page 1 and 18.

2. Ms. Jefferson you stated that the state of South Carolina is the plaintiff and that (I) Dennis Temple is the Defendant in this case, This is totally incorrect. I, Dennis Temple was at all time in this case the plaintiff and the State of South Carolina is the defendant ! see. transcript.

3. Ms. Jefferson you stated in the transcript on page 5, or Tr. 1.10 " That's incorrect, but 70 years. However, the correct version is - " That's incorrect, buy 70 years.

Dennis M. Temple

Dennis M. Temple, SCDC# 274802
Tyger River Corr. Inst. Unit 10
200 Prison Road
Enoree, South Carolina 29335

August 18, 2025

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS
H. STEVEN DEBERRY, IV CIRCUIT COURT JUDGE

Dennis Maurice Temple,

Appellant,

v.

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AUG 21 2025

SC Court of Appeals

State of South Carolina,

Respondent,

Appellate Case No. 2024-001193

PROOF OF SERVICE

I, certify that I have served Appellant's Objections to the clerk's granting the respondents first and Second Extension of time via correspondence and motion for a orders upon the State of South Carolina by depositing a copy of it in the United state mail postage prepaid on August 18, 2025 addressed to it's attorney on the record Talida Balaj Assistant Attorney General, post office Box 11549, Columbia, South Carolina 29211. and Russel D. Barlow, III

Dennis M. Temple
Dennis M. Temple, SCDC # 274802
Tyger River Corr. Inst. Unit 10
200 Prison Road
Enoree, South Carolina 29335

August 18, 2025

South Carolina Court of Appeals
Jenny Abbott Kitching, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

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AUG 21 2025

SC Court of Appeals

RE: Dennis M. Temple v. State of South Carolina
Appellate Case No. 2024-001193

Dear Ms. Kitchings:

Enclosed please find (2) copies of the Appellant's Objections to the clerk of court Granting the respondent's first and second Extension of time via Correspondence and motion the court to strike unfavorable parts of respondent's initial Brief and Designation of matter to be included in the Record on Appeal and sanctions imposed and a 90 day extension of time to file a reply brief, including proof of service upon the respondent's attorney

Please clock-in these documents and return a copy to me as soon as possible for my files. In the self-addressed envelope that has been enclosed.

Sincerely Yours,

Dennis M. Temple
Dennis M. Temple, SCDC# 274802
Tyger River Corr. Inst, Unit 10
200 Prison Road
Enoree, South Carolina 29335

August 18, 2025

Dennis M. Temple, SCOC # 274802
Tiger River Correctional Institution, Unit 10-219
200 Prison Road
Enoree, South Carolina 29335



RECEIVED

AUG 21 2025

SC Court of Appeals

RECEIVED

AUG 18 2025

TIGER RIVER MAILROOM

South Carolina Court of Appeals
Jenny Abbott Kitchens, clerk of court
Post office Box 11629
Columbia, South Carolina 29211