

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

OCT 31 2025

APPEAL FROM OCONEE COUNTY
H. STEVEN DEBERRY, IV. HABEAS CORPUS JUDGE

SC Court of Appeals

APPELLATE CASE NO. 2024-001193

Dennis M. Temple, SCDC # 274802

Appellant

V.

State of South Carolina,

Respondent,

MOTION TO ALTER OR AMEND ORDER

Comes now the undersigned pro se appellant who moves the the South Carolina Court of Appeals pursuant to Rule 240, of the South Carolina Appellate Court Rules for a Motion to Alter or Amend the order as follows:

1. On August 21, 2025 appellant filed Objections and Motion for Extension of time with this court alleging that respondent subdivision the (SCDC) South Carolina Department of Corrections mailroom personal (paul Crider) at Tyger River Correctional Institution withheld legal mail from appellant on August 13, 2025.

Crider alleges that the legal mail came from the South Carolina Attorney General Office and 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. See. appellant's Ojections and Motion for Extension of Time. p.10, 6 paragraph.

2. On August 14, 2025 Paul Crider, Tyger River Correctional Institution mailroom personal sent appellant, SCDC Office of General Counsel Notice to withhold incoming/outgoing Correspondence and Disposition of Correspondence (SCDC Form 10-6), which formally notified appellant of the reason his legal mail from the S.C. Attorney General was with-helded.

3. On September 11, 2025 appellant mailed a copy of " SCDC office of General Counsel Notice to withhold incoming/outgoing Correspondence and Disposition of Correspondence" [SCDC form 10-6] to all parties in this case.

4. On September 29, 2025 respondent attorney Talida Balaj Assistant Attorney General filed a Return to Appellant's Objections and Motion for Extension of Time that mischaracterized some of appellant's claims and used hearsay and frauduant statement to support it's return as follows: " quote "

RESPONDENT STATED

1. Appellant concedes he was served with respondent's motion for extension of time to file the Initial Brief referring to respondent's motions as " correspondence ".

2. Appellant concedes that Respondent filed its motions for extensions with the court of Appeals and the court of Appeal granted respondent's motions. see. Respondent's Return at p.1, 2nd paragraph.

APPELLANT ARGUMENT

Respondent mischaracterization of appellant claims. When the appellant objection argument states in part as follows: " quote

ARGUMENT

" 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." see. appellant's Objections at p. 2,3,& 4.

RESPONDENT STATED

12. On September 17, 2025 respondent received a document from appellant indicating that an incoming correspondence from the South Carolina attorney General's office was withheld from Appellant as it contained crime scene photos.² Respondent contacted SCDC to ascertain whether respondent's filings were withheld and reviewed, and about the status of the materials. SCDC advised respondent that the materials had been withheld, but after a review, the committee determined the materials were appropriate, and the materials were provided to Appellant. SCDC provided respondent with a copy of the mail log establishing the materials

were delivered to Appellant on September 3, 2025.³ Based on this, Respondent submits Appellant's contention that he did not receive and is not in possession of respondent's Initial Brief and Designation of matter is moot. see Respondent's Return at. p.3 & 4.

13. Additionally, Respondent contends that the Initial Brief and Designation of matter were timely filed and served on Appellant as evidenced by the proof of service filed with Respondent's Initial Brief and Designation of Matter indicating a copy was mailed to Appellant on the same day, August 6, 2025. Respondent does not control the SCDC mailroom, and any delays in the receipt be attributed to respondent. see. Respondent's Return at. p.3 & 4.

APPELLANT'S ARGUMENT

Respondent admits that it served the Initial Brief and Designation of matter were timely filed and served on Appellant, as evidenced by proof of service filed with respondent's Initial Brief and Designation of matter indicating a copy was mailed to Appellant on the same day, August 6, 2025.

United States postal Service average mail delivery time is 3 to 7 days. Now, if the proof of service show the respondent's Attorney Talida Balaj of the S.C. Attorney General office mail the Brief and Designation of Matter to appellant on August 6, 2025. We can add 7 more days to August 6, ~~7~~ = 13. This legal mail was delivered on August 13, 2025, to appellant, but withheld. As of now, the appellant has not received Respondent's Initial Brief and Designation of matter to be included in the Record on Appeal.

Appellant alleged that he went to the mailroom at Tyger River Correctional Institution on August 13, 2025 to pick up his legal mail. Also, Appellant submitted SCDC form 10-6 as evidence that this legal mail from the S.C. Attorney General was withheld on August 13, 2025. However, respondent submitted a copy of a SCDC log showing appellant signed for some more legal mail from the S.C. Attorney General on August 25, 2025, which was delivered 19 days after it was mailed to the appellant. We can assure you that this legal mail was not the respondent's Initial Brief and Designation of matter being served on the appellant.


Moreover, respondent stated that it, " contacted SCDC to ascertain whether respondent's filing were withheld and reviewed and about the status of the materials. SCDC advised respondent that the materials had been withheld, but after a review, the committee determined the materials were appropriate, and the material were provided to Appellant. see. Respondent's Return at. p.3 & 4. paragraph 12. Appellant argues that these statements by the respondent about contacting SCDC to ascertain whether respondents filing were withheld and reviewed and about the status of the material, and repeating them in support of its Return to Appellant Objections and motion for Extension of time, amounts to hearsay and fraud on the court.

SCRE, Rule 801(c)

Hearsay. " Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing offered in evidence to prove the truth of the matter asserted.

Wherefore, appellant has shown the court that, 1). respondent has mischaracterized appellant's objections and motion for extension of time claims regarding it's failure to file a motion in order to receive a extension of time, but in it's place was allowed by the clerk's to file only a correspondence or a letter and did receive a extension of time, 2). respondent proof of service on August 6, 2025 is evidence that it's Initial Brief and Designation of matter to be included in the Record on Appeal was mailed to appellant on August 6, 2025. However, we take notice that the United States postal service average mail delivery time is 3 to 7 days, which is substantial evidence that those legal documents withheld from appellant on August 13, 2025 were respondent's Initial Brief and Designation of matter as well, 3). respondent submitted a mail log dated August 25, 2025 implying appellant received the respondent's Initial Brief and Designation of matter on this date, which is (19) days after the court order deadline, 4). Also, respondent contacted SCDC to ascertain whether respondent filing were withheld and reviewed and about the status of the material, and repeating them in support of it's Return to Appellant Objections and motion for Extension of Time, does amount to hearsay and fraud on the court because, 4). For the record, the appellant affirmatively states that up until this very day he has still not yet received a copy of the respondent's Initial Brief and Designation of matter. As a result appellant can not respond with a Reply Brief. As of now, appellant is requesting the court to strike respondents pleading, issue sanctions and to grant appellant a 90 day Extention of time to reply once he receive the respondents Initial Brief and Designation of matter in this case.

October 28, 2025


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

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APPEAL FROM OCONEE COUNTY
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APPELLATE CASE NO. 2024-001193

Dennis M. Temple, SCDC # 274802

Appellant,

v.

State of South Carolina

Respondent,

PROOF OF SERVICE

I, Dennis M. Temple certify that i have served one copy of the Motion to Alter or Amend Order upon Talida Balaj, Assistant Attorney General, and D. Russell Barlow, II by mailing one copy to each in the United States mail, postage prepaid addressed to:

Talida Balaj
Assistant Attorney General
S.C. Bar No. 105228
Office Box 11549 Columbia, SC 29211

D. Russell Barlow, II
Assistant Attorney General
Office Box 11549 Columbia, SC 29211



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

October 28, 2025

The Honorable Jenny A. Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211


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OCT 31 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 the original and a copy of appellant's Motion to Alter or Amend Order, along with our proof of Service Upon Respondent's Attorneys.

Please clock in these documents and return a copy to the Appellant in the self-addressed envelope enclosed.


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

October 28, 2025

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



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TYGER RIVER MAILROOM

The Honorable Jenny A. Kitchens
Clerk of the South Carolina Court of Appeals
Post office Box 11629
Columbia, South Carolina 29211

