

Bobby C. JENKINS # 271240
PERJURY COURT. Inst (44A-124)

RECEIVED

MAY 08 2013

430 OAKLAWN RD.
PHELZER, S. C. 29669

S.C. SUPREME COURT

May 1, 2013

The Honorable TYSON A. JOHNSON, Sr.
S.C. ASSISTANT ATTORNEY GENERAL
S.C. ATTORNEY GENERAL'S OFFICE
P.O. Box 11549
Columbia, S.C. 29201

Re: Bobby C. JENKINS # 271240 v. State
APPELLATE CASE No. # 2013-000747

DEAR HONORABLE SIR:

ENCLOSED, PLEASE FIND A TRUE COPY OF THE LETTER ADDRESSED TO THE HONORABLE DANIEL E. SHEAROUSE, S.C. SUPREME COURT, CLERK OF COURT. WHEREAS THE APPELLANT IS ASKING FOR AN "EXTENSION OF TIME" TO FILE AN "EXPLANATION" PURSUANT TO RULE # 243(C), SCACR.

SINCERELY,
Bobby Jenkins
Bobby C. JENKINS # 271240

CC:

Bobby C. JERKINS # 271240
PENNY COUR. INST. (Q4A-124)
430 DAKLAWN RD.
PELZER, S.C. 29669

May 1, 2013

HONORABLE DANIEL E. SHEAROUSE
CLERK OF COURT
THE S.C. SUPREME COURT
P.O. BOX 11330
COLUMBIA, S.C. 29211

RE: Bobby C. JERKINS v. State
Appellate Case No. # 2013-000747

DEAR HONORABLE SIR:

PER your letter dated April 15, 2013, INSTRUCTING ME TO FILE AN "EXPLANATION" PURSUANT TO Rule # 243(C), SCACR, WITHIN TWENTY (20) DAYS OF your letter.

THE APPELLANT, HEREBY IS REQUESTING AN EXTENSION OF TIME, TO FILE THE EXPLANATION. AS THE RESULT, OF HIS NOTICE OF APPEAL WAS FILED

(2.)

In regards of an unsigned proposed Conditional Order of Dismissal, sent to him by S.C. Ass. Attorney General, Mr. Tyson Andrew Johnson, Sr. Esq., on December 28, 2013 and the final Order of Dismissal, dated February 22, 2013, the "final Order", signed by the Honorable Benjamin Culbertson, on February 25, 2013, was sent to Mr. David M. Tatarsky, General Counsel for the South Carolina Dept. of Corrections, on April 15, 2013.

The Respondent failed to notify me personally and withheld the "final Order" past the required thirty (30) days period to file an appeal. (Please see herein attached a copy of S.C. Ass. Attorney General Tyson Andrew Johnson, Sr.'s letter to the S.C.D.C. General Counsel's office, marked as Exhibit #1.)

Appellant received the "final Order" from the S.C. Attorney General's Office a couple of days ago, on April 29, 2013. However, Jerry Corie, Inst.'s mailroom, is suppose to be giving me an affidavit, indicating the exact date they put the Order in my hands.

(3.)

Also, the Notice of Appeal sent to the Horry County Clerk of Court's office, was also premature. However, the Appellant was not properly served a copy of the final Order, by the Horry County Clerk of Court's Office either. Had not the Appellant filed his Notice of Appeal, from the unsigned proposed Conditional and final Orders, the Appellant's Appeal would have expired!!! (Please see Exhibit #2, Horry County Clerk of Court's letter dated April 15, 2013.) letter from Judge Exhibit #3

Whereas, the Appellant most humbly request that he be granted an "Extension of Time", to file his Explanation pursuant to Rule # 243(c), SCACR. It is evident, the Appellant was not properly served the "final Order", by the Court or Respondents.

Respectfully Submitted,
Bobby Jenkins
Bobby C. Jenkins #271240

The State of South Carolina
In The Supreme Court

Appellate Case No. # 2013-000747

Bobby C. Jenkins #271240 Appellant,

✓.

The State of South Carolina Appellee.

PROOF OF SERVICE

I certify that I have served
a copy of the letter to the Honorable
DANIEL E. SHEAROUSE, requesting an "Extension
of Time" to file the "EXPLANATION" pursuant
to Rule #243(c), SCACR, on the Appellee
addressed to: Honorable Tyson A. Johnson, Sr.,
S.C. Attorney General's Office, P.O. Box 11549,
Columbia, S.C. 29201, via United States
Postal Service, WEIR AT PERRY CORR. INST.!!!

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MAY 03 2013

P.C.I. MAILROOM

Bobby Jenkins
Bobby C. Jenkins #271240

CC:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2), SCRPC, the Director of the South Carolina Department of Corrections has designated Ofc. L. Johnson (Server) as his duly authorized agent for the purpose of making service of the signed Final Order of Dismissal on the below named individual.

STATE OF SOUTH CAROLINA)
COUNTY OF) AFFIDAVIT OF PERSONAL SERVICE

On this 29th day of April, 2013, I served the signed **Final Order of Dismissal** on *Inmate Bobby C. Jenkins No. 271240*, by delivering personally and leaving a copy of the same at *Perry Correctional Institution, Pelzer, South Carolina*. Deponent is not a party to this action.

s/ Ofc. L. Johnson
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 29th day of April, 2013
Patricia Buchanan (L.S.)
Notary Public for South Carolina

My Commission Expires 4-26-2020

ADMISSION OF SERVICE

Service of a copy of the signed Final Order of Dismissal is admitted at the S.C. Department of Corrections, *Perry Correctional Institution, PELZER, GREENVILLE* County, South Carolina, this 29th day of April, 2013.

s/ Bobby Jenkins
Inmate Signature
SCDC No. 271240

I/m Bobby Jenkins
SCDC # 271240

Q4A 124



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APR 17 2013

GENERAL COUNSEL

perry

ALAN WILSON
ATTORNEY GENERAL

April 15, 2013

David M. Tatarsky, General Counsel
South Carolina Department of Corrections
4444 Broad River Road
Columbia SC 29221-1787

Re: Bobby C. Jenkins, #271240 v. State of South Carolina
2012-CP-21-8141

Dear Mr. Tatarsky:

Enclosed please find the **Final Order of Dismissal** dismissing the above-captioned inmate post-conviction relief application. Please serve the inmate, **Bobby C. Jenkins, #271240** with the order and provide me with the affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,

Tyson Andrew Johnson, Sr.
Assistant Attorney General

TAJ/nb
Enclosures



MELANIE HUGGINS- WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

April 15th, 2012

Mr, Jenkins

We received your letter requesting us to file your Appeal. I have done that for you and sent a copy to Attorney General's Office. Enclosing you a clocked copy.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,

Melanie Huggins Ward
Melanie Huggins Ward

MHW/ac



Exhibit #3

State of South Carolina
The Circuit Court of the Fifteenth Judicial Circuit

Benjamin H. Culbertson
Resident Circuit Judge

P. O. Box 479 (zip code 29442)
401 Cleland St. (zip code 29440)
Georgetown, South Carolina
Telephone: (843) 545-3030
Facsimile: (843) 545-3282
Email: bculbertsonj@sccourts.org

February 8, 2013

Bobby Jenkins, #271240
Perry Correctional Institution, Q2A108
430 Oaklawn Rd.
Pelzer, SC 29669

RE: *State v. Jenkins* (2012-CP-26-8141)

Dear Mr. Jenkins:

As of 1/1/2013, Judge Larry B. Hyman assumed the duties of Chief Administrative Judge for General Sessions in the 15th judicial circuit. Therefore, I have forwarded him your letter to me dated 1/31/2013 for consideration as he deems appropriate.

With kindest regards, I remain

Very truly yours,

Benjamin H. Culbertson

BHC/bhc

pc: Hon. Larry B. Hyman (with enclosure)

138969 C. Frankens 271241D
PETER, OUR JUST (Q44-124)
430 W. Darkwood Rd.
Pelzer, S.C. 29569

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MAY 03 2013

P.C.I. MAILROOM

ATTN: The Honorable Daniel E. Sheard
Clerk of Court

The Supreme Court of South Carolina
P.O. Box 11330
Columbia, S.C. 29211

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ITEMS TO BE RETURNED TO THE
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