

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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FEB 27 2026

SC Court of Appeals

On petition for writ of Habeas Corpus  
APPEAL from Oconee County  
Honorable M. Steven Deberry, IV Circuit Court Judge

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APPELLATE CASE NO. 2024-00193

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Dennis M. Temple, SCOC # 274802

Appellant,

State of South Carolina,

Respondent.

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MOTION TO HOLD THIS CASE IN ABEYANCE

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comes now the undersigned pro se appellant who moves the South Carolina Court of Appeals pursuant to Rule 240, of the South Carolina Appellate Court Rules for a motion to hold this case in abeyance as follows:

(1). On August 21, 2025 appellant filed objections and motion for Extension of Time with the S.C. Court of Appeals stating, 1). Appellant objects to the respondent's first Extension of Time via correspondence. 2). Appellant objects to the respondent's second Extension of Time via correspondence 3). Appellant moved the court for a order to strike and sanction all unfavorable parts of respondent's Initial brief against appellant and request a extension of time of 90 days due to the response failure to serve appellant with it's Initial Brief in a timely manner and other issues pending in this case before the court. Note: Because respondent's initial brief and Designation of matter to be included in the record on appeal have not been served upon appellant within the allotted time prescribed by the court order. See, Appellant's objections and motion for Extension of time.

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(2). On September 19, 2025 respondent filed a "Return to Appellant's objections and motion for Extension of time" stating in Pertinent Parts as follows:

" 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. 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. 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 to Appellant's objections and motion for Extension of Time, at P. 3 # 12.

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(3). On October 15, 2025 the S.C. court of Appeals Judge Paula J. Thomas filed a order stating as follows:

" On August 21, 2025 appellant filed a motion to strike Respondent's initial brief and designation of matter, for sanctions against respondent, and for an extension of time to serve and file his initial reply brief. Respondent filed a return on September 19, 2025. After careful consideration, we deny appellant's motion to strike respondent's initial brief and designation of matter and for sanctions. However, we grant appellant's request for an extension of time to serve and file his initial reply brief within fifteen days of the date of this order. Appellant shall serve and file his initial reply brief. See, S.C. court of Appeals order dated October 15, 2025.

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(4). On October 31, 2025 Appellant filed a motion to Alter or Amend order in the S.C. Court of Appeals for the following reasons: " quote "

1. Respondent has mischaracterized appellant's objections and motion for Extension of time claims regarding its failure to file a motion in order to receive a extension of time, but in its place was allowed by the clerks 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 its 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 Services 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's contacted SCOC to ascertain whether respondent filings 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, does amount to hearsay and fraud on the court because,

5. For the record 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 respondent's pleadings, issue sanctions and to grant appellant a 90 day Extension of time to reply once he receive the respondent's Initial brief and Designation of matter in this case.

(5). On November 14, 2025 the S.C. Court of Appeals, Deputy clerk wrote appellant a letter stating as follows: "Quote"

"The Court has received your motion to Alter or Amend dated October 25, 2025. We are returning your motion pursuant to Rule 221(c) of the South Carolina Appellate Court Rules (SCACR). Accordingly, no action will be taken.

The proof of service for the record on appeal is due on December 2, 2025.

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(6). On November 25, 2025 appellant placed two copies of the record on appeal in the United States mail at Tyser River Correctional Institution addressed to respondents attorney, Talida Balaj and D. Russell Barlow, II of the S.C. attorney General office. In addition, appellant served a copy of that proof of service on the S.C. Court of Appeals.

(7). On January 5, 2026 the South Carolina Court of Appeals, Deputy clerk, Jasmine D. Smith wrote a letter to appellant stating as follows: "Quote"

"Dear Counsel and Mr. Temple:

According to our record the record on appeal and final briefs are overdue to be served and filed, within ten (10) days of the date of this letter you must file the record on appeal and all final briefs, or this appeal will be dismissed.

(8). On January 6, 2026 respondent filed a motion to compel supplementation of the record on appeal with the S.C. Court of Appeals alleging in pertinent parts as follows: "Quote"

"In the present case, appellant prematurely served a copy of the record on appeal before respondent filed its initial brief and designation of matter. Additionally, appellant failed to include all items designated by respondent; specifically, appellant neglected to include the entire record before the lower court. Notably, Respondent filed the entire 1414 pages of records that were before the lower court in its designation of matter and provided appellant a copy of those records, etc... etc....

see: Respondent's motion to Compel supplementation of the Record on Appeal.

### DISCUSSION

As of now, appellant has not received a copy of respondent's initial brief and Designation of matter to be included in the record on Appeal in this case. Respondent's subdivision, "the South Carolina Department of Corrections" (SCDC) has not yet giving appellant; Respondent's initial brief and designation of matter, which was withheld from the appellant on August 13, 2025.

See: Appellant's motion to Alter or Amend.

## SCACR

### Rule 210. RECORD ON APPEAL

(a) Time for Service. Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief.

## SCACR

### Rule 262. Filings and Service

(c) Service. Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party is ordered by the appellate court. Service upon the attorney or upon a party shall be made by:

(1) Delivering a copy to the person, in which case service is complete upon delivery. Delivery of a copy under this provision means: handing it to the attorney or to the party; etc... etc...

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When interpreting a court rule, "we apply the same rules of construction used in interpreting statutes. Therefore, the words of [the rule] must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the rule." Green v. Lewis Truck Lines, Inc., 314 S.C. 303, 304, 443 S.E.2d 906, 907 (1994). When the language of a court rule is clear and unambiguous, the court is obligated to follow its plain and ordinary meaning. (quoting Stark Truss Co. Inc. v. Superior Court Corp., 360 S.C. 503 602 S.E.2d 99 (2004)).

When applying these principle Rules to this case's Rule 210(a) Time for Service. within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each Party who has served a brief," Rule 262. Filing and service: service upon the attorney or upon a Party shall be made by:


Rule 262 (1). Delivering a copy to the person, in which case service is complete upon delivery of a copy under this provision means: handing it to the attorney or to the Party; service is defined as handing it to the Party, Appellant is proceeding pro se in this case.

However, appellant has previously informed this court and respondent in his objections and motion for Extension of time and Motion to Alter or Amend on August 21, 2025 and October 31, 2025. That Tyger River Correctional Institution (TYRCI) mailroom personal Paul Crider withheld respondent's initial brief and Designation of matter to be included in the record on Appeal on August 13, 2025; and that appellant has not yet received a copy. As a result, respondent has not served their brief on appellant and pursuant to Rule 210, SCACR are not entitled to receive the appellant's record on appeal. until after service of their initial brief and Designation of matter is hand delivered to appellant. As of now, the service is insufficient pursuant to Rule 262(1), SCACR. Respondent is requesting the court to order appellant to supplement the record on appeal it received from the appellant. Appellant is willing to supplement the record on appeal which is in the possession of the court. However, we are under the belief that all the documents appellant filed in the lower court have already been place in the record on Appeal before the court now.

WHEREFORE, appellant pray this court will keep in mind that appellant has not yet received a copy of the respondent's initial brief and Designation of matter to be included in the record on Appeal from the respondent subdivision the South Carolina Department of corrections. It would be bias on the court to allow respondent's hearsay statement to prevail over appellant's evidence. (see, SCDC form 10-6), which shows the court that respondent attorney document were withheld from appellant on August 13, 2025. These documents were respondent's initial brief and Designation of matter to be included in the record on Appeal.

Furthermore, appellant states that the arguments, pleadings, motions and Rules 210(a) and 262 (1) and laws clearly and convincingly shows that if these allegations are true, then appellant is not mandated by the court's Rules 210(a) and 262 (1) of the SCDC to serve respondent with his record on Appeal as of now because: The South Carolina Department of Corrections has held the respondent's initial brief and Designation in its possession since August 13, 2025, which is a total of (five) 5 months and counting. The respondent and SCDC official are intentionally with holding these documents.

As of now, we are requesting the court to hold this case in abeyance, allow appellant to receive the respondent's initial brief and Designation of matter and appellant will supplement the court's record on Appeal with documents he received from respondent's Return in the lower court. Also, appellant request a court order against SCDC to provide appellant with photo copies of his legal documents (ASAP) handwritten or typed and grant such other and further relief as the court may deem just and proper.



Dennis M. Temple # 274802  
Tyser River Corr. Inst. Unit 6  
200 Prison Road  
Enoree, South Carolina 29335

February 28, 2024

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEAL

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SC Court of Appeals

On Petition for Writ of Habeas Corpus  
Appeal from Oconee County  
Honorable H. Steven Deberry, IV Circuit Court Judge

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Appellate Case NO. 2024-00193

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Dennis M. Temple, SCDC # 274802

Appellant,

v.

State of South Carolina

Respondent,

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PROOF OF SERVICE

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I, Dennis M. Temple certify that I have served one copy of the appellant's motion to hold this case in Abeyance upon D. Russell Barlow II, assistant attorney General by mailing one copy to him in the United States mail, Postage Prepaid addressed to as follows on the said below date.

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



Dennis M. Temple # 274802  
Tyger River Corr. Inst. Unit 6  
200 Prison Road  
Enoree, South Carolina 29335

February 23, 2024

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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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 hold this case in abeyance along with our proof of service upon respondent attorneys.

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

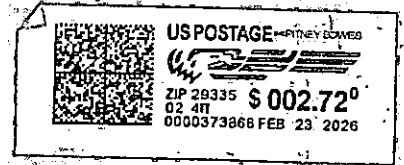
Sincerely yours,



Dennis M. Temple, SCOC # 274802  
Tyser River Corr. Inst. Unit 6  
200 Prison Road  
Enoree, South Carolina 29335

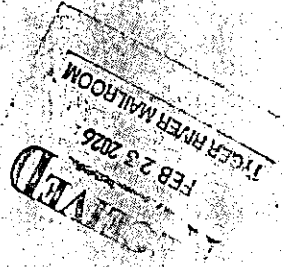
February 23, 2024

Dennis M. Temple, SCDC # 274802  
Tyger River Correctional Institution Unit 6  
200 Prison Road  
Enoree, South Carolina 29335.



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SC Court of Appeals

Legal Mail



South Carolina Court of Appeals  
Jenny ABBOTT Kitchin, SS, Clerk  
Post Office Box 11629  
Columbia, South Carolina 29211

