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JUL 2 2012

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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APPEAL FROM THE SOUTH CAROLINA COURT OF APPEALS

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Case No. 2012-211989

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Kenneth Lee Holbert, Jr.,..... Petitioner,

v.

South Carolina State Board for Technical and  
Comprehensive Education,..... Respondent.

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**PETITIONER'S MOTION FOR  
STAY OF TIME OR EXTENSION TO FILE A MOTION  
FOR WRIT OF CERTIORARI UNTIL SETTLEMENT WITH  
RESPONDENT CAN BE REACHED**

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**ARGUMENT**

In the above referenced matter, Petitioner requests a temporary stay or extension of time to file a writ of Certiorari due to the extraordinary circumstances in this matter. Respondents attorneys, Boykin and Davis have stepped in and have abridged the college's prior willingness to return my belongings needed to raise funds to hire legal representation in this matter. Boykin and Davis have corresponded with my attorneys requesting detail of items on loan which who have been

satisfactory answered at least twice. Boykin and Davis continually changing their request for my proving ownership has resulted in it becoming obvious that they are obstructing my ability to obtain my personal belongings. It is now apparent to me that there needs to be uniform rules for all Technical colleges regarding the loaning of equipment to these schools by both industry and individuals to avoid the moving target aspect of the proof of ownership and the ability to have your items returned to you. The Lab Volt power lab equipment I have on loan to the college which is being used in the Engineering Technology Building room 144 power lab would cost the college over \$100,000.00 to replace. The college is well aware that my equipment is there, what room it is in and that I can readily prove that my ownership. They are also aware that one of the colleges employees inspected and helped me load some of it to bring to the college.

It appears now that we have to file a suit to retrieve my belongings and in this suit it is my intention to prove that this delay tactic was for the sole reason to avoid a successful appeal to the Supreme Court. This appeal involves a constitutional issue and my ability to have it heard resides solely in the hands of the opposing attorneys. The attorney's, Boykin and Davis are well aware that I still have items at college. They are also aware that my former supervisor, Sid Shrum has been put in charge of retrieving my belongings and they have a copy of an e-mail where he acknowledges the vast amount of items I have at the college. They are well aware of the valid reason why I did not actively and persistently request to retrieve my belongings until August of 2010 when I officially resumed my notifications of the need to retrieve my belongings. Tinsley and Tinsley are currently preparing the legal documents to successfully retrieve my belongings and to address another matter.


My attorneys are also aware of the insidious abuse I suffered at the hands of Mr. Shrum. It has

become obvious that my reputation was severely and adversely affected by this abuse and that there remains an unwelcoming attitude towards my being on campus because of him that has continued since 2007 and continues to this day. It is not apparent that Boykin and Davis represent Greenville Technical College for issues involving the type of behavior and actions by Mr. Shrum or the college against me. Because these two issues go hand in hand, it is anticipated that a lawsuit will be filed within the next month regarding them both.

### CONCLUSION

It is for this reason that Respondents attorneys are intentionally delaying the retrieval of my belongings to prevent my case from being heard in the Supreme Court. It is unfortunate that these delay tactics have to be resolved in the court system. Therefore I ask for a temporary stay or extension of time to resolve this matter with Respondent so that I can retrieve my belongings and hire an attorney to prepare the writ of Certiorari.

Respectfully submitted,



Kenneth Lee Holbert, Jr.  
104 Sun Blvd  
Easley, SC 29642  
(864) 269-2838

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Kenneth Lee Holbert, Jr.,.....Petitioner,

v.

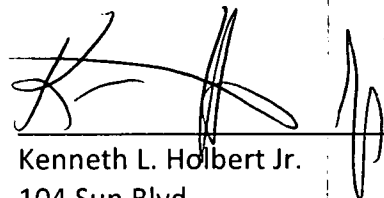
South Carolina State Board for Technical and  
Comprehensive Education,..... Respondent.

**PROOF OF SERVICE**

The Undersigned hereby certifies that they have served **PETITIONER'S MOTION FOR STAY OF TIME OR EXTENSION TO FILE A MOTION FOR WRIT OF CERTIORARI UNTIL SETTLEMENT WITH RESPONDENT CAN BE REACHED** on Respondent's counsel of record, by mailing a copy of same, postage prepaid and return address clearly indicated to the following:

Friday, June 29, 2012

Charles J. Boykin  
Boykin & Davis, L.L.C.  
P.O. Box 11844  
Columbia, SC 29211

  
Kenneth L. Holbert Jr.  
104 Sun Blvd  
Easley, SC 29642

Kenneth Lee. Holbert  
104 Sun Blvd  
Easley, SC 29642  
(864) 269-2838

Friday, June 29, 2012

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S.C. SUPREME COURT  
pm 6-29-12

VIA U.S. MAIL

The honorable Daniel Shearhouse Clerk.  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

Re: Kenneth L. Holbert v. South Carolina State Board for technical and  
Comprehensive Education  
Case No.: 2012-211989

Dear Mr. Shearhouse:

Enclosed please find the original and 6 copies of the Petitioner's motion for stay of time or extension to file a motion for writ of certiorari until settlement with respondent can be reached along with a check for the \$25.00 filing fee.

By copy of this letter, I am serving a copy on the Respondent's counsel of record and the SC Administrative Law court as recommended. I am copying the counsel I have retained in the retrieval of my belongings as discussed in the response. Should you have any questions please feel free to contact me.

Should you have any questions please feel free to contact me.

Sincerely,



Kenneth Lee. Holbert

Enclosures

cc: Charles J. Boykin (w.encl.)  
Robert Tinsley (w.encl.)