

JORGE A. RODRIGUEZ
#389273 F3B. RM. 126
EVANS C.I. 610 HWY. 9 WEST
BENNETTSVILLE, S.C. 29512

IN RE: CASE 2025-001507 RESPONDING THE COURT'S ATTACHED LETTER
DATED AUGUST 27, 2026 SEEKING TO HAVE THIS LETTER ACCEPTED AS AN
UPDATED AFFIDAVIT OF SERVICE DUE TO STATE INTERFERENCE.

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SC Court of Appeals

TO: THE S.C. COURT OF APPEALS,

THE COURT GAVE THE APPELLANT BY ORDER THROUGH HIS CURRENT
APPOINTED ATTORNEY TO DECIDE WHAT HE INTENDED TO DO BY SEPTEMBER
4, 2026. THAT TIME FRAME DESIGNATED BY THE COURT'S ORDER WAS
APPROACHING FAST. THERE WAS STATE INTERFERENCE ON THE PART OF THE
S.C. DEPT. OF CORRECTIONS THAT WAS BEYOND THE APPELLANT'S
CONTROL. THE INSTITUTION INFORMED THE APPELLANT THAT THEY WERE
OUT OF TONER FOR THEIR COPY MACHINE IN THE LAW LIBRARY USED TO
MAKE INMATE COPIES FOR SERVICE, AND WOULD NOT HAVE ANY TONER FOR
THE COPY MACHINE IN UNTIL SEPTEMBER 1, 2026 WHICH IS WHY THE DATE
ON THE DOCUMENT WHEN IT WAS PREPARED DIFFER FROM THE DATE OF
ACTUAL AFFIDAVIT OF SERVICE. IN AN ABUNDANCE OF CAUTION BECAUSE
THE INSTITUTION MAY NOT HAVE HAD THE TONER IN ON TIME TO ALLOW
TIMELY SERVICE THE PDF WAS SENT TO ENSURE COMPLIANCE WITH THE
SEPTEMBER 4, 2026 DEADLINE SET BY THE COURT. THE APPELLANT WAS
UNDER COURT ORDER TO BE IN COMPLIANCE BY A SPECIFIC TIME LINE.
YOU MAKE MENTION OF A SPECIFIC RULE, WHAT RULE?

UNDER SOUTH CAROLINA LAW THIS DELAY IN SERVICE UNDER THESE
CIRCUMSTANCES WOULD ALMOST CERTAINLY BE PERMITTED, AND THE MOTION
SHOULD NOT BE PENALIZED OR DISMISSED FOR BEING UNTIMELY AND ALL
PARTIES ARE NOW OFFICIALLY SERVED PLACED IN THE MAILBOX AS WAS
INDICATED BY THE DOCUMENT, INCLUDING THE HARD COPY OF THE FILING
SENT TO THE COURT OF APPEALS BY CERTIFIED NUMBER 9589 0710 5270

3849 8210 55. ANY CONCERN OF WHETHER THE PARTIES ARE SERVED IS MADE MOOT BY THIS CORRESPONDENCE WHERE THE APPELLANT IS SEEKING THAT THIS CORRESPONDENCE BE CONSIDERED UPDATED CONFIRMATION AND OR AFFIDAVIT OF SERVICE DUE TO STATE INTERFERENCE ON THE PART OF S.C.D.C. AS PREVIOUSLY MENTIONED. THE MOTION SHOULD NOT BE PENALIZED OR DISMISSED FOR SOMETHING THAT WAS BEYOND THE APPELLANT'S CONTROL IN THE COURT'S COLLUSION AND OBSTRUCTION OF JUSTICE. BY THE PDF THE DOCUMENT IS CONSIDERED ON TIME, AND THE TEMPORARY DELAY IN SERVING THE OTHER PARTIES, WHICH THEY ARE SERVED NOW, DUE TO THE INSTITUTION'S LACK OF TONER IS PROTECTED BY BOTH STATE AND FEDERAL LAW. BECAUSE THE DOCUMENT WAS TRANSMITTED BY PDF THE COURTS ELECTRONIC TRANSMISSION DATE SERVE AS PROOF OF TIMELY FILING BEFORE THE SEPTEMBER 4, 2026 DEAD LINE SET BY THE COURT'S ORDER.

COURTS RECOGNIZE THAT INMATES HAVE ZERO CONTROL OVER INSTITUTIONAL FAILURES, THE DEFICIENCY IS ATTRIBUTED TO THE INSTITUTION, NOT THE APPELLANT, SUCH AS IN THIS CASE, THE INSTITUTION LAW LIBRARY RUNNING OUT OF TONER TO ALLOW THE DATES TO BE CONSISTENT WITH THE DATE OF THE ACTUAL DOCUMENT. LEGALLY, BECAUSE S.C.D.C. IS AN ARM OF THE STATE, ITS FAILURE TO PROVIDE THE APPELLANT WITH THE NECESSARY EQUIPMENT TO TIMELY MAKE THE COPIES TO ALLOW THE DATE OF THE DOCUMENT AND THE ACTUAL DATE OF SERVICE TO MATCH CONSTITUTES "STATE INTERFERENCE". AN APPELLANT COURT CANNOT PENALIZE A PRISONER FOR FAILING TO PERFORM AN ACTION (SERVING MULTIPLE PARTIES TO ALLOW THE AFFIDAVIT OF SERVICE TO MATCH THE DOCUMENT DATE) WHEN THE STATE ITSELF MADE IT PHYSICALLY IMPOSSIBLE TO DO SO. THE PARTIES ARE NOW SERVED, INCLUDING YOU WHO SHOULD BE RECEIVING THE HARD COPIES SHORTLY, SERVICE DONE BY CERTIFIED MAIL. YOU SEE THE CERTIFIED MAILING NUMBER. BY PROACTIVELY INFORMING THE COURT OF THE EXACT REASON FOR THE BRIEF DELAY AND SPECIFYING THAT SERVICE WOULD OCCUR ON SEPTEMBER 1, 2026, WHICH SERVICE IS INDEED MADE, (STILL AHEAD OF THE OVERALL SEPTEMBER 4, 2026 DEAD LINE SET BY THE COURT'S ORDER ANYWAY), THE APPELLANT ACTED IN COMPLETE "GOOD FAITH".

AS FOR ANY RELEVANT S.C.A.C.R., RULE 267(f)(NUMBER OF

COPIES FOR FILING): IN SOUTH CAROLINA APPELLATE COURTS, UNLESS SPECIFICALLY ORDERED OTHERWISE, A DOCUMENT FILED WITH THE COURT DOES NOT REQUIRE EXTRA COPIES FOR THE COURT CLERK. THE APPELLANT ONLY NEEDS THE ORIGINAL/SINGLE COPY FOR THE COURT WHICH IS PERMITTED TO BE TRANSMITTED BY PDF, WHICH WAS SUCCESSFULLY SENT AUGUST 27, 2026 ACCORDING TO YOUR LETTER, CORRECT? ACCORDING TO RULE 262(b)(MAILING AS COMPLETE SERVICE), RULE 262 OF THE SCACR, SERVICE UPON THE OTHER PARTIES IS LEGALLY CONSIDERED "COMPLETE UPON MAILING". BY PLACING THOSE COPIES IN THE MAILBOX ON THE SEPTEMBER 1, 2026 DATE SPECIFIED, WHICH IS SUPPORTED BY THE CURRENTLY PRESENTED CERTIFIED MAILING NUMBER, SERVICE IS LEGALLY COMPLETED AS THE RULES REQUIRE ON SEPTEMBER 1, 2026 BEFORE THE SEPTEMBER 4, 2026 DEAD LINE SET BY THE COURT'S RECENT ORDER OF EXTENSION OF TIME DUE TO STATE INTERFERENCE. UNDER RULE 263 (AMENDING/EXTENSIONS): EVEN IF THE COURT STRICTLY VIEWED THE SERVICE AS LATE (WHICH IT SHOULDN'T BECAUSE ITS BEFORE SEPTEMBER 4, 2026 DESIGNATED BY THE COURT'S MOST RECENT ORDER), APPELLATE COURTS HAVE BROAD DISCRETION TO EXCUSE MINOR TECHNICAL IRREGULARITIES CAUSED BY THIRD PARTIES OR INSTITUTIONAL LOCKDOWNS OR DEFICIENCIES CAUSED BY THEM, NOT THE APPELLANT IN THIS CASE, PROVIDED THERE WAS NO STRUCTURAL PREJUDICE TO THE OTHER SIDE, WHICH THERE IS NOT BECAUSE THEY ARE ALL NOW SERVED BEFORE THE SEPTEMBER 4, 2026 DEAD LINE THAT WAS SET IN PLACE BY THE COURT OF APPEALS EXPIRED. THE COURT WAS NOTIFIED OF THE TONER SHORTAGE WHICH CAUSED THE PROBLEM. THE DOCUMENT IS IN ROUTE TO THE OTHER PARTIES AS WE SPEAK. THEREFORE, THIS CORRESPONDENCE SHOULD BE SUFFICIENT TO ADDRESS ANY DEFICIENCY THAT THE COURT WAS CONCERNED ABOUT SINCE THE FAULT LIES WITH THE STATE, NOT THE APPELLANT, VIA THEIR "STATE INTERFERENCE" AS ARTICULATED. IF THE COURT HAS ANY OTHER CONCERNS, OR IF YOU FEEL THIS IS NOT SUFFICIENT FOR YOU? CITE ME A "SPECIFIC" RULE THAT STATES UNDER THESE CIRCUMSTANCES SUCH A DEFICIENCY SHOULD NOT BE EXCUSED, ESPECIALLY SINCE THE OTHER PARTIES ARE NOW SERVED WITHOUT ANY PREJUDICE WHATSOEVER, AND THE FAULT THAT PRODUCED ANY ALLEGED DEFICIENCY LIES WITH THE STATE NOT THE APPELLANT. STILL REMAIN,

RESPECTFULLY,
JORGE A. RODRIGUEZ

Jorge A Rodriguez

SEPTEMBER 2, 2026

CC: THE S.C. ATTORNEY GENERAL
THE S.C. OFFICE OF INDIGENT DEFENSE

JORGE A. RODRIGUEZ

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THE S.C. COURT OF APPEALS

P.O. BOX 11629

COLUMBIA, S.C. 29211

SC Court of Appeals

29211-162929

