

IN THE SOUTH CAROLINA COURT OF APPEALS

Bernard Jackson, #210745,
Appellant,
v.

South Carolina Department of Corrections,
Respondent.

RECEIVED

SEP 11 2026

SC Court of Appeals

Appellate Case No. 2024-002004

Opinion No. 2026-UP-347

**APPELLANT'S MOTION TO CURE FILING-FEE DEFICIENCY
AND REQUEST TO ACCEPT TIMELY PETITION FOR REHEARING**

Pursuant to Rule 240, SCACR

Appellant Bernard Jackson, proceeding pro se, respectfully moves this Court to accept the filing fee associated with his Petition for Rehearing, or alternatively to relieve Appellant from payment of the filing fee pursuant to Rule 240(d), SCACR, and to permit the Court to consider Appellant's timely Petition for Rehearing.

1. Timely Petition for Rehearing

On July 8, 2026, this Court filed its Opinion No. 2026-UP-347 in the above-captioned matter.

Appellant thereafter prepared and submitted his Petition for Rehearing pursuant to Rule 221, SCACR.

The Clerk's correspondence dated August 25, 2026 expressly confirms that: "The Court received Appellant's petition for rehearing on July 17, 2026."

Thus, the Petition for Rehearing was actually received by this Court within the fifteen-day period prescribed by Rule 221(a), SCACR.

2. Appellant Received Notice of a Filing-Fee Deficiency

Appellant subsequently received correspondence from the Clerk dated July 22, 2026, advising that a \$50 filing fee was required.

Appellant is incarcerated at Tyger River Correctional Institution and does not have ordinary access to personal banking or the Court's electronic payment system. Payment of court fees therefore requires Appellant to utilize the South Carolina Department of Corrections' institutional trust-account procedures.

3. Appellant Took Steps Through SCDC's Institutional Payment Process

After receiving notice of the filing-fee requirement, Appellant utilized the SCDC E. H. Cooper Account process to obtain and transmit the required \$50 payment. The SCDC account statement attached as Exhibit A documents a \$50.00 money-order transaction dated June 9, 2026 and a \$50.00 transaction identified by SCDC as a 'VOID CHECK' dated June 10, 2026.

Appellant submits Exhibit A as documentary evidence that he was actively using the institutional financial process to satisfy court-filing requirements and did not intentionally disregard the Court's fee requirement.

Appellant does not ask the Court to infer from the account statement alone that the Court received the \$50.00. Rather, the statement is offered to establish

Appellant's good-faith attempt to comply and the institutional processing of the payment transaction. If the Court has not received the fee, Appellant respectfully requests a reasonable opportunity to cure the deficiency or instructions for submitting the fee in the form required by the Court.

4. Appellant Has Attempted to Comply With the Court's Requirements

Appellant respectfully recognizes that Rule 240(d), SCACR, requires a motion or petition to be accompanied by the applicable filing fee. The Rule also provides that, in extraordinary cases, the appellate court may relieve a party from paying the filing fee.

Additionally, Rule 240(g) provides that failure to perform an act required by the Rule may be deemed abandonment.

Appellant respectfully submits that abandonment would be inappropriate under the circumstances presented here because:

- the Petition for Rehearing was timely submitted;
- the Court expressly confirmed that it received the Petition on July 17, 2026;
- Appellant is incarcerated and therefore dependent upon SCDC's institutional procedure for transmitting funds;
- Appellant took affirmative steps through that institutional process to address the filing-fee requirement;
- the SCDC account statement documents the \$50.00 payment-related transactions; and
- Appellant has consistently attempted to prosecute this appeal and comply with the Court's requirements.

5. Request for Relief

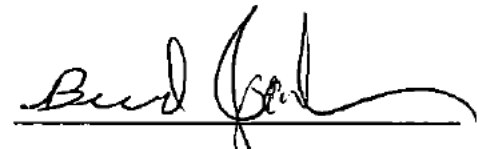
Appellant respectfully requests that this Court:

- A. accept the \$50 filing fee and recognize the filing-fee deficiency as cured;
or, alternatively,
- B. pursuant to Rule 240(d), SCACR, relieves Appellant from payment of the filing fee under the extraordinary circumstances presented;
or, alternatively,
- C. grant Appellant a reasonable additional period within which to cure any remaining filing-fee deficiency and provide instructions concerning the manner in which the Court requires payment to be submitted;
and, in any event,
- D. permit Appellant's Petition for Rehearing, which the Court confirms was received on July 17, 2026, to be considered on its merits rather than deemed abandoned because of the unresolved filing-fee issue.

Respectfully submitted,

DATE: September 8, 2026

/s/



Bernard Jackson, #210745

Tyger River Correctional
Institution

200 Prison Road

Enoree, South Carolina

29335

Pro Se Appellant

EXHIBIT A

SCDC E. H. Cooper Account Statement

Relevant transactions: \$50.00 money order dated
06/09/2026 and \$50.00 transaction identified as "VOID
CHECK" dated 06/10/22026

EXHIBIT B

South Carolina Court of Appeals Clerk's Letter dated
August 25, 2026

EXHIBIT C

South Carolina Court of Appeals Deficiency Letter dated
July 22, 2026

EXHIBIT D

Additional SCDC Payment/Transaction Documentation

Exhibit A

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

E.H. COOPER

ACCOUNT STATEMENT

DATE: 06/01/26 TO 06/30/26

ACCOUNT NO. 00210745

JACKSON, BERNARD STACY

CURR BAL AS OF 07/02/26: 317.25

TRANS. DATE	TRANS. TYPE	DEPOSIT	WITHDRAWAL	BALANCE
06/29/26	PHONE DEBIT	0.00	20.00	176.29
06/17/26	SPECIAL FUND	0.00	0.10	196.29
06/17/26	SPECIAL FUND	0.00	0.90	196.39
06/17/26	SPECIAL FUND	0.00	19.00	197.29
06/16/26	PRISON INDUS	87.34	0.00	216.29
06/12/26	PHONE DEBIT	0.00	10.00	128.95
06/11/26	CANTEEN PURC	0.00	78.30	138.95
06/10/26	INTEREST	0.21	0.00	217.25
06/10/26	VOID CHECK	50.00	0.00	217.04
06/09/26	MONEY ORDER	50.00	0.00	167.04
06/05/26	PHONE DEBIT	0.00	10.00	117.04
06/03/26	CANTEEN PURC	0.00	83.45	127.04
06/01/26	PRISON INDUS	136.08	0.00	210.49

317.25
176.29

130.96



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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www.sccourts.org

August 25, 2026

Bernard Jackson, 210745
Tyger River Correctional Inst. 4-10 Room 211
200 Prison Road
Enoree SC 29335

Re: Bernard Jackson, #210745 v. SCDC
Appellate Case No. 2024-002004

Dear Mr. Jackson:

The Court received Appellant's petition for rehearing on July 17, 2026. A deficiency letter sent on July 22, 2026, noting a filing fee was required. As of today, the deficiency has not been cured. Therefore, the Court will not take any action on the petition.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

cc: Christina C. Bigelow, Esquire

Exhibit  C



The South Carolina Court of Appeals

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CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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July 23, 2026

Bernard Jackson, 210745
Tyger River Correctional Inst. 4-10 Room 211
200 Prison Road
Enoree SC 29335

Re: Bernard Jackson, #210745 v. SCDC
Appellate Case No. 2024-002004

Dear Mr. Jackson:

Upon reviewing your petition for rehearing, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your filing will not be considered:

- The required filing fee has not been submitted. The correct filing fee is \$50.00.

Very truly yours,

CLERK

cc: Christina Catoe Bigelow, Esquire

Exhibit D-1

Bernard Jackson, #210745

Tyger-River Corr. Inst.

Unit 10 Room 211

200 Prison Road

Enoree, SC 29335

The South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29201

RE: Bernard Jackson, #210745 v. SCDC

Appellate Case No. 2024-002004

Dear Mrs. Smith:

I am in receipt of your letter dated May 12, 2026, received on May 18, 2026 concerning a Filing Fee form my Motion for Declaratory Relief. Upon receiving your deficiency letter requiring a fifty-dollar (\$50) filing fee for the motions I sent on March 9, 2026, a check was issued by SCDC Financial Branch for this amount. Now this Court has informed me that another fifty-dollar (\$50) fee is required.

While I am unsure of why this Court did not mention another \$50 dollar fee, enclosed is another check for \$50 dollars to ensure that this Court will take action on the Motion for declaratory relief as well. This should clear up any deficiencies I have incurred with this Court.

Thank you for your time and consideration regarding this matter.

Respectfully,

/s/ 

Bernard Jackson, #210745

Pro-se Appellant

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MAY 18 2026

TYGER RIVER MAILROOM

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SEP 11 2026

SC Court of Appeals

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Appellant's Motion to Cure Filing-Fee Deficiency and Request to Accept Timely Petition for Rehearing upon counsel for Respondent, South Carolina Department of Corrections, by placing a true copy in the United States Mail, first-class postage prepaid, addressed to:

Christina C. Bigelow, Esquire

Counsel for South Carolina Department of Corrections

P.O. Box 21787/4444 Broad River Road

Columbia, SC

29221

on this 8 day of September, 2026.

/s/ Bernard Jackson

Bernard Jackson, #210745

Pro Se Appellant

Bernard Jackson, #210745
Tyger river Correctional institution
200 Prison Road
Enoree, SC 29335

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SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS

JENNY ABBOTT KITCHINGS, CLERK

POST OFFICE BOX 11629

COLUMBIA, SC 29211

DATE: SEPTEMBER 8, 2026

RE: MOTION TO CURE FILING FEE DEFICIENCY; CASE NO. 2024-002004.

Dear CLERK KITCHINGS:

Enclosed for filing, please find a true copy of Appellant's Motion to Cure Filing fee Deficiency with certificate of service and exhibits. Thank you for your time and consideration.

Respectfully Submitted,

/s/ 

Bernard Jackson, #210745, Pro-se Appellant

Bernard Jackson, #210745
Tyger River Corr. Inst.
Unit 10- Room #211
200 Prison Road
Enoree, SC 29335

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SC Court of Appeals

GREENVILLE SC 296

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SEP 08 2026

TYGER RIVER MAILROOM

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29211-1629



LEGAL MAIL