

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATION LAW COURT
ADMINISTRATIVE LAW JUDGE CAROLYN C. MATTHEWS
Base NO. 12-ALJ-04-0798-IJ

APPELLATE CASE NO. 2013-002231

Michael Jones # 237769, - - - - - APPELLANT,
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS - - - - - RESPONDENT.

MOTION TO CONSIDER APPELLANT'S TIMELY SUBMITTED
APPELLANT'S INITIAL REPLY BRIEF SCACR 208

COMES NOW, APPELLANT, MICHAEL JONES, AND REQUESTS THAT THIS HONORABLE COURT CONSIDER IN THE RECORD APPELLANT'S TIMELY FILED PURSUANT TO THE SCACR 208 APPELLANT'S INITIAL REPLY BRIEF. IN SUPPORT OF THIS REQUEST, APPELLANT SHOWS THIS HONORABLE COURT THE FOLLOWING:

- 1) ON NOVEMBER 19th, 2013 RESPONDENT SERVED APPELLANT WITH A COPY OF RESPONDENT'S INITIAL BRIEF WHICH THE APPELLANT WAS SERVED BY PERRY CORRECTIONAL INSTITUTION MAIL ROOM WORKER TAMARA CONNELL ON NOVEMBER 25th, 2013
- 2) APPELLANT PLACED HIS INITIAL REPLY BRIEF INTO D-DORM 5M11 PERRY CORRECTIONAL INSTITUTION MAIL BOX ON NOVEMBER 27th, 2013 ALONG WITH NOTARIZED AFFIDAVIT BY PERRY CORR. INST. NOTARY MAIL ROOM WORKER TAMARA CONNELL THAT APPELLANT DID NOT RECEIVE RESPONDENT'S INITIAL BRIEF UNTIL NOVEMBER 25th, 2013

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3) ONCE APPELLANT PLACES APPELLANT'S INITIAL REPLY BRIEF INTO PERRY
COURT INST. U.S. POSTAL MAIL BOX APPELLANT HAS SERVED THE COURT
AND RESPONDENT

4) APPELLANT PROVIDED CERTIFICATE OF SERVICE THAT HE DEPOSITED HIS
INITIAL REPLY BRIEF IN PERRY COURT INST. U.S. POSTAL MAIL BOX ON
NOVEMBER 27th, 2013 WHICH COUNTING FROM NOVEMBER 19th, 2013 IS
ONLY (8) EIGHT DAYS WELL WITHIN THE (10) TEN DAY PRESCRIBED TIME
LIMIT AND ONLY (2) TWO DAYS AFTER BEING SERVED WELL WITHIN (10)
DAY TIME LIMIT OF SCACR 208 REPLY BRIEF FILING

5) ON NOVEMBER 28th, 2013 THE NATIONAL HOLIDAY OF THANKSGIVING WAS OBSERVED
NO MAIL WAS PROCESSED BY PERRY COURT INST. MAIL ROOM ON NOVEMBER 28th, 2013
UNTIL DECEMBER 2nd, 2013 AS A RESULT OF THIS HOLIDAY

WHEREFORE, THE ABOVE STATED THE APPELLANT RESPECTFULLY REQUESTS THAT HIS
SCACR 208 INITIAL REPLY BRIEF BE CONSIDERED IN THIS CASE BECAUSE APPELLANT COMPLIED
WITH (10) DAY TIME LIMIT STATUTE OF LIMITATION.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 7th DAY OF JANUARY, 2014.

Dany C. Minchast (C.S.)
NOTARY PUBLIC

1-23-2023

MY COMMISSION EXPIRES 2

RESPECTFULLY SUBMITTED,

MR. Michael Jones

MR. MICHAEL L. JONES #237769

PCI D-X #21

430 OAKLAND RD.

PALZER, SC 29969

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Michael Jones #237769,

APPELLANT/AFFIVANT.

)
) APPELLATE CASE NO. 2013-002231
)
) AFFIDAVIT OF Michael Jones
)
)
)

I, Michael Jones, DESPOSE THE FOLLOWING STATEMENT TO BE TRUE
AND APPELL FACT BASED UPON PERSONAL KNOWLEDGE UNDER PENALTY OF PERJURY:

- 1) I AM A PRISONER CONFINED TO PERRY CORRECTIONAL INSTITUTION
- 2) I DID ON NOVEMBER 25TH, 2013 RECEIVE FROM PERRY CORR. INST
MAIL ROOM WORKER TAMARA CONWELL RESPONDENT'S INITIAL BRIEF
- 3) PERRY CORR. INST. MAIL ROOM WORKER TAMARA CONWELL DID ON NOVEMBER
25TH, 2013 NOTARIZE AN AFFIDAVIT VERIFYING SHE DID SERVE UPON ME
THE APPELLANT THE RESPONDENT'S INITIAL BRIEF ON NOVEMBER 25TH, 2013
- 4) I DID ON NOVEMBER 27TH, 2013 PLACE WITHIN PERRY CORRECTIONAL INST
UNITED STATES SMALL DORM POSTAL SERVICE MAIL BOX FOR SERVICE
APPELLANT'S INITIAL REPLY BRIEF ALONG WITH TAMARA CONWELL'S NOTARIZED
AFFIDAVIT SATISFYING SCACR 208 (10) DAY TIME LIMIT FOR REPLY
BRIEF FILING

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 7TH DAY OF JANUARY 2014.

Jammy / Nancy C. Merchant (L.S.)
NOTARY PUBLIC:

1-23-2023

MY COMMISSION EXPIRES:

FURTHER THE AFFIVANT SAYTH NOT.

MR. Michael Jones

Michael L. Jones #237769

PCI D-X #21

430 OAKLAND RD

PALZER, SC 29669

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

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JAN 07 2014

PCI Mailroom

TO: NAME: PERRY CORR. INST. MAIL ROOM	TITLE: 	DATE: 1/5/14
INMATE'S NAME: MR. MICHAEL JONES	SCDC #: 237769	
INSTITUTION: PCI	LIVING QUARTERS: D-X#21	

ON NOVEMBER 22nd, 2013 I WENT ON A MEDICAL RUN I WAS NOT SERVED MY LEGAL MAIL UNTIL NOVEMBER 25th, 2013. ON NOVEMBER 27th, 2013 I PLACED MY REPLY TO LEGAL MAIL IN PCI SMU D-DORM U.S. POSTAL SERVICE MAIL BOX. THE NATIONAL HOLIDAY/THANKSGIVING WAS OBSERVED BY PCI MAIL ROOM ON NOVEMBER 28th, 2013. NO MAIL WAS TAKEN UP OR PASSED OUT BY PCI MAIL ROOM NOVEMBER ~~28th~~, 2013 THROUGH ~~NOVEMBER~~ 1st, 2013 MAIL WAS PICKED UP AND ISSUED BY PCI POSTAL WORKERS ON DECEMBER 2nd, 2013. PLEASE VERIFY THIS IN THE STAFF MEMBER AREA PROVIDED BELOW FOR VERIFICATION TO THE SOUTH CAROLINA COURT OF APPEALS SO THE HONORABLE COURT WILL BE AWARE I DID NOT VIOLATE SCACR 208 TIME LIMIT STATUTE OF LIMITATION FOR INITIAL REPLY BRIEF FILING.

Thank you!

DISPOSITION BY STAFF MEMBER:
Thanksgiving Holiday was 28th & 29th of November. Mailroom was closed so mail placed in the box on November 27th would not have been picked up by mailroom staff until their return on December 2, 2013.

Thanks!

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SC Court of Appeals

DATE: 1-7-13	SIGNATURE: M. Michael	
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Receipt of Legal Correspondence
Verification

This is to verify that legal correspondence from the following :

Chris D. Florian
SCDC – Office of General Counsel
P.O. Box 21787
Columbia, SC 29221

addressed to:

Michael Jones #237769
Perry Correctional Institution
430 Oaklawn Road D X 21
Pelzer, SC 29669

was received and logged in on SCDC form 10-12 (Legal Correspondence Log) at the
Perry Correctional Mailroom on :
November 22, 2013 .

Since Mr. Jones was out of the institution on a Medical Visit, the above referenced
correspondence was not delivered on November 22, 2013.

On November 25, 2013 the above referenced correspondence was delivered to Mr.
Jones, and his signature was obtained on SCDC form 10-12 (Legal Correspondence
Log).

N.C. Merchant *N.C. Merchant*
N.C. Merchant – Postal Director
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

January 8, 2013
Date

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Carolyn C. Matthews

Case No. 12-ALJ-04-0798-IJ

Michael Jones, # 237769,.....Appellant,

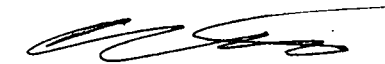
v.

South Carolina Department of Corrections.....Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have served Appellant a copy of Respondent's Initial Brief by depositing a copy of same in the United States Mail, postage prepaid, November 19, 2013 addressed to the Appellant as follows:

Michael Jones, # 237769
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669



Christopher D. Florian
Deputy General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC 29221-1787
Attorney for Respondent

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Mr. Michael L. Jones # 237969

PCI D-X # 21

430 OAKLAND RD

Palmer, SC 29669

LEGAL MAIL ^{PMD}

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SC Court of Appeals

S.C. COURT OF APPEALS

JERRY A. KIDDINGS, CLERK

P.O. Box 11629

Columbia, SC 29211

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JAN 14 2014

C.I. MAILROOM

"THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
THEM. THEREFORE, THE DEPARTMENT DOES NOT
RESPONSIBILITY FOR HIS PASTOR COMMENTS - S. C. DEPARTMENT
OF CORRECTIONS."