THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

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OCT 28 2026
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

Appellate Case No. 2026-002175

Michael Pettinato, #218405,.....Appellant,

v.

South Carolina Department of Probation,
Parole and Pardon Services,.....Respondent.

MOTION FOR EXTENSION OF TIME TO

FILE INITIAL BRIEF AND DESIGNATION OF MATTER

The Appellant, Michael Pettinato, pursuant to Rule 234(b), SCACR, moves this Court to extend the time for Appellant to file his Initial Brief and Designation Of matter To Be Included in the Record On Appeal, by thirty (30) days. In support of this Motion, Appellant would respectfully show this Honorable Court the following:

1. This case is before this Honorable Court on an appeal filed by Michael Pettinato ("Appellant" or "Pettinato") on September 28, 2026, after this Court remanded the case to the Administrative Law Court ("ALC") for a determination of whether Pettinato made a good faith effort to file his Notice of Appeal within the applicable time limits, as contemplated by Rule 62, SCALC. Please see prior Appellate Case No. 2024-000295, [Unpublished Opinion No.2026-UP-385] filed July 22, 2026.

2. This case originated in the South Carolina Administrative Law Court ("ALC") pursuant to a Notice of Appeal dated June 6, 2023 ["not on the Court's prescribed form"], and filed and served on July 5, 2023 upon the South Carolina Department of Probation, Parole and Pardon Services ("Department"), by Appellant. See Pettinato v. South Carolina Department of Probation, Parole and Pardon Services, Docket No. 23-ALJ-15-0031-AP. [The ALC's Order of August 31, 2026, erroneously cites Pettinato v. S.C. Dep't of Corr.].

3. Pettinato is physically challenged, uses a wheel chair to get around, has a pace maker because of heart irregularities, and he suffers from several medical issues, that among other things, deprives him of an adequate amount of sleep and causes him sufficient pain that he has been unable to function adequately on a daily basis and therefore, has been unable to conduct research and prepare his Initial Brief in this matter.

4. Pettinato also suffers from some form of mental abnormalities that he has been attending sick call for and has been informing medical and mental health staff about for over the past 6 months in that those problems involve periods from 15 minutes up to five (5) hours, two to four times per week, where Pettinato goes blank, cannot think straight, cannot concentrate, becomes confused, does not know where he is or who his cellmate is, and at times cannot carry on a conversation and is therefore, unable to conduct much needed research in a manner sufficient to permit him to timely file his Initial Brief.

5. Pettinato requests that this Honorable Court take judicial notice of Pettinato's SCDC Profile found on SCDC's website showing him being transported to many outside Medical Visits, the last one being on Monday, October 19, 2026 due to painful issues concerning his gall bladder.

6. This Motion is filed in good faith and is not intended in any way to delay this matter and Respondent will not be prejudiced in any manner if this Court Grants this Motion.

7. Pettinato respectfully submits that he also is in need of this thirty day extension in order to have a fair opportunity to challenge the findings and conclusions of the lower court in that he has been unable to find any legal material that may provide information concerning post-remand proceedings and he is still diligently researching these issues.

8. Pettinato's Initial Brief and Designation Of Matter are due to be filed by October 28, 2026.

9. Pettinato requests that this Court extend the time for filing his Initial Brief, his Designation Of Matter and any other documents until November 27, 2026.

10. I, Michael J. Pettinato, do hereby Declare under penalty of perjury that the foregoing facts are true and correct.

WHEREFORE, Appellant respectfully submits that good cause exists for this Court to extend the time for filing his Initial Brief Of Appellant and Designation Of Matter by thirty (30) days to and including November 27, 2026 and the Appellant moves the Court to extend the time accordingly.

October 23, 2026
Fairfax, South Carolina

Michael J. Pettinato, #218405
Allendale Corr., Inst., F3 A19
1057 Revolutionary Trail
Fairfax, SC 29827

Appellant, Pro Se

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Michael Pettinato, #218405,.....Appellant,

v.

South Carolina Department of Probation,
Parole and Pardon Services,.....Respondent.

CERTIFICATE OF SERVICE

I, Michael J. Pettinato, herein CERTIFY under penalty of perjury that I have on this date, served a true copy of a Motion To Extend Time To File Initial Brief Of Appellant And Designation Of Matter, in the above matter, upon the above Respondent by hand delivering same to the Allendale Corr., Inst., Mail Room Clerk for deposit into the U.S. Mail, First Class Postage prepaid, addressed to:

S.C. Dep't of Probation, Parole
and Pardon Services
Office of General Counsel
Attn: Matthew C. Buchanan, Esq.
293 Greystone Blvd.
P.O. Box 207
Columbia, SC 29202

October 23, 2026
Fairfax, South Carolina

Michael J. Pettinato

Michael J. Pettinato, #218405
Allendale C.I., F3 A19
1057 Revolutionary Trail
Fairfax, SC 29827
Appellant, Pro Se

Michael J. Pettinato, #218405
Allendale Corr., Inst., F3 A-19
1057 Revolutionary Trail
Fairfax, SC 29827

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October 23, 2026

Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Michael J. Pettinato v. SCDPPPS
Appellate Case No. 2026-002175
Motion To Extend Time To File
Initial Brief Of Appellant And
Designation Of Matter, and,
Certificate Of Service

Dear Ms. Kitchings:

Please note that my address has changed to reflect that I am now housed in F3 A19 as shown above, whereas I was previously housed in F3 A24.

Enclosed for filing in the above referenced matter, please find a Motion To Extend Time To File Initial Brief Of Appellant And Designation Of Matter, and, Certificate Of Service of same upon the Respondent.

Also enclosed, please find copies of the pertinent documents that I wish to have clock stamped and returned to me for my records, please.

I have enclosed a self addressed envelope with adequate prepaid postage necessary to return my copies of documents to me, if you would please do so.

As always, I thank you in advance for all of your assistance in this matter.

Sincerely & Respectfully,

Michael J. Pettinato

cc: Matthew C. Buchanan, Esq.
FILE

Michael J. Pettinato, #218405
Allendale Corr., Inst., F3 A19
1057 Revolutionary Trail
Fairfax, SC 29827

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Honorable Jenny Abbott Kitchings, CLERK
South Carolina Court Of Appeals
P.O. Box 11629
Columbia, SC 29211

LEGAL MAIL