

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM THE SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Marvin F. Kittrell, Chief Judge

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Case No.: 2008-ALJ-30-0061-AP

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Kenneth Lee Holbert, Jr., ..... Appellant,

v.

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

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**MOTION FOR RELIEF TO  
FILE RETURN OUT OF TIME**

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Pursuant to Rules 240 and 263(b) of the South Carolina Appellate Court Rules, the Respondent moves the Court for relief to allow Respondent to file the Return to Appellant's Motion for Stay of Time or Extension to File a Motion for Writ of Certiorari (hereinafter "Appellant's Motion") out of time.

Appellant's Motion was served via U.S. Mail on June 29, 2012. The return deadline was July 9, 2012; however, Respondent inadvertently miscalculated the deadline for July 12, 2012. Respondent's counsel acknowledges that our response is somewhat awkward in that Holbert seeks to mix the firm's interest with that of our client.<sup>1</sup> However, the firm is only representing the Respondent, as requested, and Respondent believes that allowing the filing out of time will allow the full briefing of all points and

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<sup>1</sup> The Professional Rules of Conduct prohibits the co-mingling of an attorney's interest with that of their client's interest. Even though Holbert attacks the firm's representation, the Return is filed only to represent the College's interest, in the manner requested by the College.

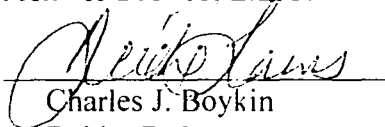
enable the Court to make a full and fair consideration of the Appellant's Motion, as it appears that Holbert is relying upon the same grounds for an extension as his May 30, 2012 motion.

Wherefore, Respondent moves to allow the filing of its Return to Appellant's Motion for Stay of Time or Extension to File Motion for Writ of Certiorari. Should the Court grant the Motion for Relief to File the Return Out of Time, Respondent's Return is attached and incorporated herewith for filing.

Respectfully Submitted,

BOYKIN & DAVIS, L.L.C.

By:

  
Charles J. Boykin

Deidre D. Laws

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Attorneys for Respondent

July 11, 2012  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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South Carolina State Board for Technical and  
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**PROOF OF SERVICE**

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The undersigned of Boykin & Davis, L.L.C., hereby certifies that they have served the **RESPONDENT'S MOTION FOR RELIEF TO FILE RETURN** on Appellant and Appellant's counsel of record, on July 11, 2012, by depositing a copy of same, in the United States Mail, postage prepaid, to the returned addresses clearly indicated:

Robert J. Tinsley, Sr., Esq.  
Tinsley and Tinsley, PC  
P. O. Box 49145  
Greenwood, South Carolina, 29649

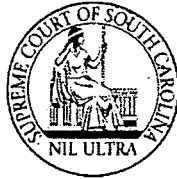
Kenneth L. Holbert  
104 Sun Boulevard  
Easley, SC 29642



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Attorneys for Respondent



# The Supreme Court of South Carolina

Charles J. Boykin  
PO Box 11844  
Columbia SC 29211

07/12/2012

## RECEIPT #64840

**Case No:** 2012-211989  
**Case Short Title:** Holbert, Kenneth v. SC State Board  
**Event:** Motion - Extension of Time (1st)  
**Fee Type:** Motion Fee  
**Amount:** \$25.00  
**Payment Type:** Check  
**Reference No:** 6650  
**Check/Money Order Date:** 07/11/2012  
**Comments:** KENNETH LEE HOLBERT, JR. V. SOUTH CAROLINA STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION