



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

DATE: MAY 02, 2015

Re: App. Case No. 2014-001684
Matthew B. Fullbright v. S.C. Dep't of Corr.

RECEIVED

MAY 08 2015

SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed Appellant's Record On Appeal.

This letter now informs This Court that the Respondent (SCDC) has again attempted to prevent a timely filing by Appellant; In this instance, this enclosed Record On Appeal ("ROA").

The Respondent has a habit of holding Appellant's legal mail (often for weeks) returning it to Appellant for frivolous, arbitrary reasons, after windows of service and timeliness have passed.

Appellant sent this same "ROA" to This Court back in February of this year. This Court returned the entire ROA back to Appellant accompanied with a letter dated March 05, 2015 explaining:

"The time has not expired for the respondent to file an initial brief and designation of matter."

By ORDER of This Court dated February 27, 2015: "[T]he respondent's initial brief and designation of matter are due within thirty days..." giving Respondent until March 29, 2015 to have a brief/designation filed.

On March 27, 2015 Respondent filed a motion to remand. Although not technically a motion for an extension of time, on page three Respondent asks This Court, if a brief is ordered to "grant twenty (20) days from the date of such an order to file its (Respondent's) brief."

The issue here is this:

1. According to Appellant's limited understanding of the Rules of Court, namely Rule 210(a), SCACR, "Within thirty (30) days after service of the last brief, the

appellant shall serve a copy of the Record on Appeal on each party who has served a brief. "

2. This Court Ordered Respondent to file a brief in reply by no later than March 29, 2015.

3. March 29, 2015 expired with Respondent having filed no brief, instead filing a motion to remand.

4. In Appellant's eyes, since Respondent chose to let the time prescribed by This Court expire without filing a brief, Appellant's time to file the ROA began on March 29, 2015, a deadline then dated April 28, 2015.

5. Appellant delivered the ROA to Lieber mail room staff on April 23, 2015 for mailing.

6. Without reason or explanation, said ROA was given back to Appellant during mail call on May 01, 2015.

7. It is beyond Appellant to predict what action This Court chooses to make, whether ordering Respondent to file a brief, hold Respondent defaulted, etc.

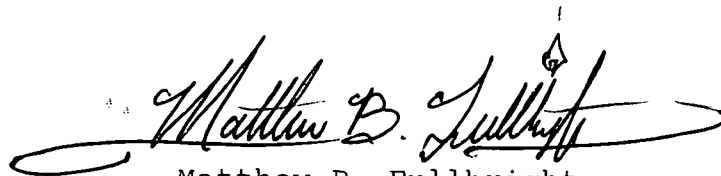
8. All Appellant has are the facts at hand are The Rules Of Court and the demands of This Court.

9. The facts here are that Respondent failed to file a brief in the time prescribed by This Court, making Appellant's brief the last brief filed, thus giving Appellant until April 28, 2015 to file the ROA.

10. Appellant did attempt to file said ROA by that date, only because of Respondent's actions in returning the ROA to Appellant, through no fault of Appellant's the ROA was not filed timely.

Appellant prays This Court, under the circumstances and according to the facts set out in this letter that this enclosed ROA is accepted as timely. The enclosed ROA is attached to the necessary certificates, etc.

THANK YOU.



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cc:SCDC, Off.Gen.Coun.,
P.O.A. Marshall H. Fullbright,
File.