

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Case No: 2014-000091

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SEP 29 2015

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

SC Court of Appeals

77422

Frank R. Addy, Circuit Court Judge

John R. Rakowsky, Respondent
Adrian Falgione, Respondent

v.

James B. Spencer, Appellant, *Pro Se*

**MOTION TO SERVE OUT OF TIME
REPLIES
TO RETURN TO APPELLANT'S MOTION
FOR SANCTIONS AND
RETURN TO MOTION TO STRIKE**

MOTION TO SERVE AND FILE REPLIES

TO RETURNS OUT OF TIME

Pro Se Appellant James Spencer hereby moves, pursuant to Rule 26(b), of the South Carolina Rules of Appellate Procedure (SCRAP), for an order allowing Appellant to serve Replies to Returns out of time.

In support of this motion Appellant shows the following:

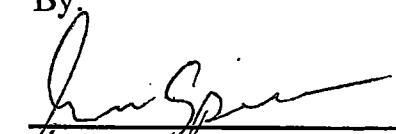
1. The undersigned did not receive service from Respondent and only became aware of Respondent's Returns by reviewing the South Carolina Appellate Court website after they were posted.
2. The *Pro Se* Appellant is 100% medically disabled, is indigent, and suffers from partial permanent paralysis of his right hand, arm, and leg from physical torture all of which resulted from the actions of South Carolina law enforcement officers bribed by a felon in the case litigated for Appellant by Respondent.
3. The *Pro Se* Appellant primarily depends on others to perform functions such as typing documents and driving as the paralysis has now spread to and is affecting Appellant's legs, limiting his mobility.
4. The disabled *Pro Se* Appellant struggles to keep up with the requirements of litigating multiple cases against common multiple attorneys and co-counsels in the different cases.

5. The filing of the Replies does not prejudice Respondents in this matter as the lower court awarded all settlement proceeds and all remaining litigation funds advanced to them by Appellant, which Respondent has already received.

WHEREFORE, for the foregoing reasons, the *Pro Se* Appellant respectfully requests leave from this Honorable Court to file the Replies to Returns out of time.

Submitted this September 29, 2015

By:

A handwritten signature in black ink, appearing to read "James Spencer", written over a horizontal line.

James Spencer, Appellant, *Pro Se*
Box 183
7001 Saint Andrews Road
Columbia, SC 29212

CERTIFICATE OF SERVICE

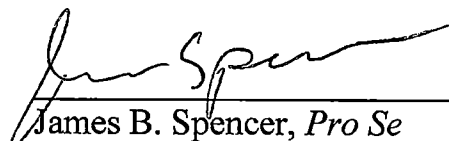
The undersigned hereby certifies that on August September 29, 2015, the document described below, was(were) served on all parties of record in this case by mailing a copy, by US mail or by courier.

Documents Served: **MOTION TO SERVE REPLIES
TO RETURNS IN OPPOSITION OUT OF TIME**

Parties Served: Benjamin C. Bruner
 Bruner, Powel, Wall & Mullins, LLC
 1735 St. Julian Place, Suite 200
 Post Office Box 61110
 Columbia, South Carolina 29260-1110

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SC Court of Appeals

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