

THE STATE OF SOUTH CAROLINA
[In The Supreme Court]

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APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas

NOV 18 2015

S.C. SUPREME COURT

Paul M. Burch,

Circuit Court Judge

Appellate Case no. 2015-002295

Lower Court Case no. 2013CP1600678

State of South Carolina

Respondent,

v.

Charles Jordan

Appellant,

Appellants Motion For Reinstatement For Dismissal Of Case

Charles Jordan

7901 Farrow Rd.

Bldg. 3 Fl. 3

Columbia, SC 29203

Index

Cover	1
Index	2
Motion	3-5
Exhibits	4
Prayer	5
Proof of service	

Appellant Motion For Reinstatement For Dismissal Of Case

Come now, Charles Jordan, Appellant to move this Court pursuant to SCRPC rule 59 and SCACR rule 231 for the Court dismissal of Case by error for Courts misunderstanding of multiple filings date of notice of intent to appeal and multiple dates the respondent had been timely served notice of intent to appeal. Conditional order of dismissal filed on March 25, 2015, signed by Judge Paul M. Burch, on March 14, 2015, Affidavit of Personal Service (witness) by Mable Pratt (DMH) on April 29, 2015. Final order of dismissal was received from Attorney General, Joshua L. Thomas, Esquire dated on June 29, 2015, unsigned by the judge and did not contain the Clerk's Stamp which I received on July 1, 2015. Appellant filed notice of intent to appeal on July 2, 2015. Since, the final order did not contain the Clerk's stamp or the Judge's Signature from the lower Court. On July 31, 2015, Mrs. V. Claire Allen, Deputy you must file the final order of dismissal in its entirety, including the Clerk's stamp and Judge's Signature from the lower Court within ten days of the date of this letter. A copy of the document dated on July 16, 2015, which was signed July 1, 2015, and received July 25, 2015, has been filed within the ten days period, of letter dated on July 31, 2015, filed on August 6, 2015. Supreme Court states at that time, on July 2, 2015, on September 21, 2015, the only order that had been filed in the Circuit Court was a Conditional order of dismissal dated on March 14, 2015. Since a Conditional order not an appealable order, the notice of appeal is hereby dismissed without prejudice to whatever right petitioner may now have to timely serve and file a notice of appeal from the final order. According to July 31, 2015, was filed to a timely matter and refiled on September 27, 2015, of letter dated on September 21, 2015, the Appellant appeal the decision of the Honorable Paul M. Burch, filed on July 14, 2015. The same final order signed on July 1, 2015, by Judge Paul M. Burch.

Referring to a letter dated on November 2, 2015, Further this Court has no record of receiving a notice of appeal from the final order of the Circuit Court filed on July 14, 2015. A notice of appeal has in fact been served on all respondents on September 27, 2015, the Court of appeal should have transfer the notice of appeal along with the proof of service to your office concerning this matter. before remittitur was sent on October 8, 2015, which ended appellate jurisdiction over this matter. Supreme Court was served by a letter dated November 4, 2015, as proof in this Court, that the respondents was served and by resident outgoing mail form. Petitioner did timely serve the respondent the Courts order to re submit notice of intent to appeal. See petitioner Exhibits A, B. (DCA.) November 10, 2015, order of dismissal of Case (B.) September 27, 2015 refile notice of intent to appeal (C.) Specifically. September 27, 2015 Service upon respondent. This Court fails to understand that petitioner did not receive the July 1, 2015 final order until July 25, 2015 and not from the lower Court, but instead sent the final order to Alan Wilson, on July 16, 2015, who then send the order to SC DMH general Counsel Cathy Garner who then sent the final order to petitioner on July 25, 2015. the fact is respondent received a copy of the final order and deliberately hold it up from the petition. Petitioner then due to the SC DMH delay caused petitioner to not serve the resubmitted notice of intent until September 27, 2015 Counting holidays is within the 30 day limit. including being timely served the first time around the respondent knew of petitioner intent to appeal. See exhibit (D.) August 6, 2015, resident outgoing mail form. within the ten days period of letter dated on July 31, 2015.

maybe on July 14, 2015, which was sign and stamp on July 14, 2015, which is correct filing. However, I was not served the original copy of a final order from the Clerk of Court office, Darlington County by U.S. mail yet as proof a document served by the Court itself. This is the reason I'm being deny by the Supreme Court and Attorney General, Joshus L. Thomas.

Prayer

wherefore Appellant moves for the Court to withdraw it November 10, 2015, order of dismissal of case due to the Court not knowing or understanding respondent had been timely served notice of intent to appeal.

DATED: November 16, 2015

Sincerely,

Charles Jordan

Charles Jordan

7901 Farrow Rd

Bldg. 3 Fl. 3

Columbia, SC 29203

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Appellate Case no. 2015-002295

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State of South Carolina

Respondent,

v.

Charles Jordan

Appellant,

PROOF OF SERVICE

I certify that I served the "Appellant motion for reinstatement for dismissal of case" on Alan Wilson, by depositing a copy of it in the United States mail, postage prepaid, addressed to Attorney General, Alan Wilson, P.O. Box 11549 Columbia, SC 29211

DATED: November 16, 2015

Charles Jordan

Charles Jordan

7901 Farrow Rd

Bldg. 3 Fl. 3

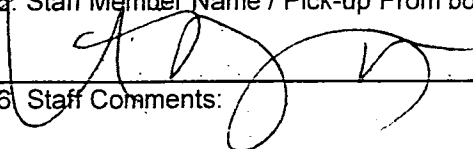
Columbia, SC 29203

1. Article Addressed to (Please Print):
The SC Court of Appeals
V. Claire Allen Deputy Clerk
P.O. Box 11629
Columbia, S.C. 29211

2. Date Resident placed in the box:
8-6-15

3. Description of article sent: (e.g.: letter or package, etc.)
(2) Letter

4. Article Sent by (Resident) Please sign legibly:
Charles Gordon

5. Staff Member Name / Pick-up From box Date:


6. Staff Comments:
Has stamp

SCDMH FORM
NOV 2011 SVPTP-6

Final Order 8-6-15
8-6-15 Motion for Extentnsion of time to
file initial Appeal Brief
8-6-15 motion for leave of Court to
Proceed indigent Notice of motion

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia, SC 29211

November 16, 2015

Re: Appellate Case no. 2015-002295
Lower Court Case no. 2013 CP1600678

Charles Jordan
7901 Farrow Rd.
Bldg. 3 Fl. 3
Columbia, SC 29203

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NOV 18 2015

S.C. SUPREME COURT

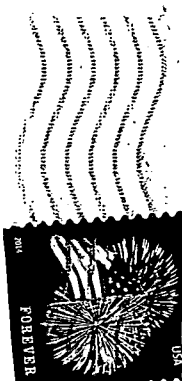
Dear Mr. Shearouse:

Enclosed please find the original and one copy of the Appellants motion for reinstatement for dismissal of case and proof of service.

Sincerely,
Charles Jordan
Charles Jordan

Charles Jordan
7901 Farrow Rd
Bldg. 3 Fl. 3
Columbia, SC 29203

COLUMBIA, SC 290
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The SC Supreme Court
Daniel E. Shearouse, Clerk
Post Office Box 11330
Columbia, South Carolina 29211

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NOV 16 2015