

The Supreme Court of South Carolina

Billy Lisenby, Jr., #200273, Petitioner,

v.

South Carolina Department of Corrections, Respondent,

and

Billy Lee Lisenby, #200273, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2015-002313

Lower Court Case Nos. 12-ALJ-04-0546 and -0547-AP

ORDER

This matter was dismissed based on petitioner's failure to file an appendix. Rule 242(e), SCACR; Rule 260(a), SCACR. Petitioner has now filed a motion to file the appendix out of time, a motion for an extension of time to file the appendix, and a motion to compel the Court of Appeals to provide copies of the appendix. We have construed petitioner's motions as a request to reinstate the appeal and to allow him additional time in which to file the appendix, and to require the Court of Appeals to provide the documents necessary for the appendix. Respondent has not filed a return to the motions.

We hereby reinstate the matter. Petitioner's request to compel the Court of Appeals to provide copies of the documents necessary for the appendix is denied. Instead, the documents before the Court of Appeals which would ordinarily constitute the appendix, *see* Rule 242(e), which can be accessed using the South Carolina Appellate Court Public Index, <http://www.sccourts.org/ACMS/index.cfm>, should be used by respondent in lieu of an appendix in preparing its return to the

petition for a writ of certiorari filed by petitioner.¹ The return should be served and filed within thirty days of the date of this order. Petitioner shall file any reply within ten days of the date of service of the return. Like respondent, this Court will use the relevant documents before the Court of Appeals available through the South Carolina Appellate Case Management System, in considering the petition for a writ of certiorari. Petitioner's request for an extension of time to file an appendix is denied as moot.



C.J.

FOR THE COURT

Columbia, South Carolina

March 2, 2016

cc:

Christina Catoe Bigelow, Esquire
The Honorable Jana E. Shealy
Billy Lee Lisenby, Jr., 200273
The Honorable Jenny Kitchings

¹ In Appellate Case No. 2013-000852, reference should be made to the record on appeal and supplemental record on appeal, the final briefs, the Court of Appeals' opinion, the petition for rehearing or rehearing en banc, and the order denying the petition for rehearing.