

THE STATE OF SOUTH CAROLINA
In the COURT OF Appeals

Appeal From Administrative Law Court
The Honorable S. Phillips Leski, Administrative Law Judge
Appellant Case No. 2015-000196

S.C. COURT OF Appeals Opinion NO. 2016-UP-163
Submitted December 1, 2015 - Filed April 6, 2016

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South Carolina Department of Probation,
Parole and Pardon Services,

MAY 05 2016
SC Court of Appeals

VS.

James Tinsley, #171943,

APPELLANT.

APPELLANTS MOTION FOR LATE
FILING AFTER TIME HAS EXPIRED

The Above Respondents have filed a Petition for a rehearing dated April 15, 2016. HOWEVER, Counsel failed to send Appellants copy to him at his current address as shown by the copy of the attached envelope. Counsel attempted to serve Appellant at Allendale even though Appellant had been long transferred to Trenton. During the attempted service Appellant was again transferred to Manning. As shown by the envelope time stamps, the Petition arrived at Allendale on April 18, 2016, was then sent to and arrived at Trenton on April 21, 2016 and then forwarded to Manning where it was received by Appellant on April 26, 2016.

Appellant wishes to file the attached Return to

the Respondents Petition For Rehearing but has been told by the courts case manager that such a filing would be late and must be accompanied by this motion to file after the time has expired.

Appellants understanding of the rules is that a response to a petition must be filed "within ten (10) days from the date of service", not ten (10) days from the date of the filing of the petition. S.C.A.C.R. 224 (e). Therefore, since Appellant received the petition through no fault of his own, on April 26, 2016, he should be allotted ten (10) days to file his response from that date of receipt.

IF SO, Appellants filing would be timely and this motion would be moot, but in order to satisfy the case manager, Appellant is attempting to follow her instructions.

WHEREFORE, premises considered, IF Appellants response to the petition for rehearing is timely late, Appellant prays that this court allow him to submit his response after the time has expired.

April 28, 2016

Respectfully submitted,
s/ James Douglas Tinsley
James Tinsley, #171943
Manning C.I. W7A-18T
502 Beckman Drive
② Columbia, S.C. 29203

CERTIFICATE OF SERVICE

I, James Douglas Tinsley, Sr., hereby certify that I did cause the foregoing to be served upon counsel of record this 4th day of May, 2016, by placing a true and correct copy in the U.S. mail, with proper postage affixed thereto and addressed as follows:

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MAY 05 2016

SC Court of Appeals

Tommy Evans, Jr

Assistant General Counsel For

S.C. Dept. of Prob, Parole & Pardon Serv.

P.O. Box 50666

Columbia, S.C. 29250

(803) 734-9220

s/ Doug Tinsley Sr.

Doug Tinsley Sr.



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