

July 6, 2016

80182

CASE NO 2014-CP-1001635  
Appellate Case No. 2016-00-001201

**RECEIVED**

JUL 11 2016

**SC Court of Appeals**

motion for Extension

Dear Court of Appeals

I Harold Simmons Requesting and Extension For ordering and Receiving the Transcript,

I Harold Simmons Apologize and ASK the court For Forgiveness and request Permission for more time outside the filing deadline.

Thank you  
Harold Simmons  
Harold Simmons  
Harold Simmons Jr

THE STATE OF SOUTH CAROLINA )  
In The Court of Appeals :  
COUNTY OF CHARLESTON )

IN THE COURT OF Appeals  
Cause No. 2016-001201

ALLEN LIVINGSTON )  
Respondent :  
)

-versus-

HAROLD SIMMONS JR. )  
Appellant :  
)

**MOTION AND AFFIDAVIT TO  
PROCEED IN FORMA PAUPERIS**

I, HAROLD SIMMONS JR., being duly sworn, state that I am the Defendant and I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Notary Public for South Carolina )  
My Commission Expires )

)  
)  
)  
) Harold Simmons Jr.  
) Signature of Defendant  
)

**ORDER**

- Leave is granted to proceed in forma pauperis without payment of filing fee.
- Leave is granted to proceed in forma pauperis without payment of the service cost.
- Leave is denied to proceed in forma pauperis.

Dated: \_\_\_\_\_, 2016  
CHARLESTON, SOUTH CAROLINA

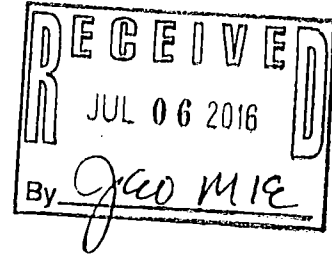
\_\_\_\_\_  
JUDGE/CLERK OF COURT

NOTICE TO DFENDANT: The Court may assess costs against either party at hearing.



Christine A. Smith  
Court Reporter  
Master in Equity  
843.958.5071  
Fax: 843.958.5077  
casmith@charlestoncounty.org  
www.charlestoncounty.org  
Charleston County Judicial Center  
100 Broad Street, Suite 266  
Charleston, SC 29401

July 6, 2016



Court Reporter Christine A Smith

I Harold Simmons is requesting a transcript  
of case No. 2014-CP-10-01635 Filed: April 8, 2015

*Harold Simmons*  
Harold Simmons  
1182 King Street  
Chas S.C. 29403  
843-480-8694



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JUL 11 2016

**The South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

June 27, 2016

Harold Simmons, Jr.  
1182 King St.  
Charleston SC 29403

Re: Allen Livingston v. Harold Simmons  
Appellate Case No. 2016-001201

Dear Mr. Simmons:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Bruce Alan Berlinsky, Esquire

Fee \$ 25.00



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JUL 11 2016

The South Carolina Court of Appeals **SC Court of Appeals**

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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June 27, 2016

Harold Simmons, Jr.  
1182 King St.  
Charleston SC 29403

Re: Allen Livingston v. Harold Simmons  
Appellate Case No. 2016-001201

Dear Mr. Simmons:

The Court received your additional proof of service. However, it is not the correct proof of service. This deficiency must be corrected within ten (10) days of the date of this letter or your motion to proceed in forma pauperis will not be considered:

- The accompanying proof of service is not the proof of service requested by the Court. You must provide a proof of service of your motion to file in forma pauperis.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Bruce Alan Berlinsky, Esquire

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUL 11 2016

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**SC Court of Appeals**

The Honorable Mikell R. Scarborough, Circuit Court Judge

Case No. 2014-CP-1001635  
Appellate Case No. 2016-001201

HAROLD SIMMONS JR.,

Appellant,

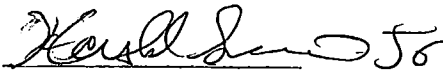
v.

ALLEN LIVINGSTON,

Respondent.

PROOF OF SERVICE

I certify that I have served the ~~motion for Extension~~ on Allen Livingston by depositing a copy of it in the United States Mail, postage prepaid, on ~~May 30~~ <sup>July 8</sup> 2016, addressed to his attorney of record, Bruce A Berlin KY, P.A. One Carriage Lane, Bldg F Charleston, South Carolina 29407 [by personally delivering a copy of it to his attorney of record, Bruce A Berlin KY P.A. at his office at one Carriage Lane, Bldg F Charleston, South Carolina 29407 on ~~July 6~~ <sup>July 8</sup>, 2016].

  
Harold Simmons Jr.  
1182 King Street  
Charleston, South Carolina 29403  
(843) 480-8694  
Pro Se, Appellant  
(843) 480-8694

**RECEIVED**

JUL 11 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Mikell R. Scarborough, Circuit Court Judge

Case No. 2014-CA-1001635  
Appellate Case No. 2016-001201

HAROLD SIMMONS JR..

Appellant,

v.

ALLEN LIVINGSTON,

Respondent.

PROOF OF SERVICE

I certify that I have served the ~~Forma Pauperis~~ on Allen Livingston by depositing a copy of it in the United States Mail, postage prepaid, on May 30, 2016, addressed to his attorney of record, Bruce A Berlinsky, P.A. One Carriage Lane, Bldg F Charleston, South Carolina 29407 [by personally delivering a copy of it to his attorney of record, Bruce A Berlinsky P.A. at his office at one carriage lane, Bldg F Charleston, South Carolina 29407 on May 30, 2016].

May 30, 2016.

And  
July 7, 2016



Harold Simmons Jr.  
1182 King Street  
Charleston, South Carolina 29403  
(843) 480-8694  
Pro Se, Appellant  
(843) 480-8694

July 7, 2016

South Carolina Court of Appeals

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JUL 11 2016

SC COURT OF APPEALS

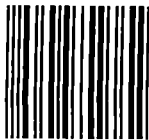
Dear Court of Appeals  
Reason For Filing to proceed under Forma Pauperis  
For Work In Juryer I suffer In 2001 and 2003 which  
lead up to me Having Back surgery in 2010 these are Reason  
for Having my Payments Paid In Advance. At these time I'm  
sill under Dotor Care And Barely making Ends meet. I AM  
A WORKMAN'S Compensation Recipient, I pray to Proceed under  
Forma. PAUPERIS.

Harold Simmons Jr.  
Harold Simmons Jr.  
Harold Simmons Jr.  
1182 King Street  
Chas, S.C. 29403

Harold Simmons Jr  
1182 Kang Street  
Char, S.C. 29403



1000



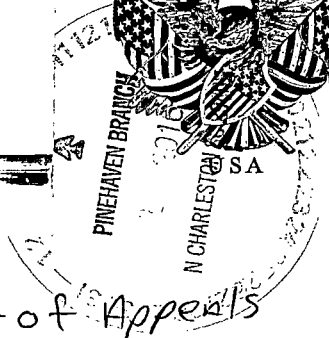
29201

U.S. POSTAGE  
PAID  
NORTH CHARLESTON, SC  
29405  
JUL 07, 16  
AMOUNT

**\$6.68**

R2395K143215-12

FOREVER



RETURN RECEIPT  
REQUESTED



South Carolina Court of Appeals  
1220 Senate Street  
Columbia S.C. 29201-29201

5685 4422 0000 0420 9102

2920103158 0175

