

State of South Carolina
Court of Appeals

Carl Leon Linyard §
Appellant, §
v. §
State of South Carolina §
Appellee. §
/

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SEP 17 2015

SC Court of Appeals

Motion to File an Appeal
That is Out of Time

On December 8, 2014, Petitioner Carl Leon Linyard filed a "Motion for Leave of Court to File Petitioner's Coram Nobis" in the Circuit Court of the Fourteenth Judicial Circuit. On July 1, 2015, a decision was rendered by the Honorable Carmen Mullen through and by the Law Clerk Megan C. White denying Petitioner's motion for relief. Petitioner then filed a Notice of Appeal with the District Court and waited for a response. Sometime later a letter was sent to Petitioner from the Clerk's Office that he had not placed the appropriate case number upon the notice.

Thereafter Petitioner Carl Leon Linyard immediately responded and placed in the United States Mailbox the information required and waited. After several weeks in passing no information from the Court had been sent to Petitioner in relation to the Notice of Appeal and therefore Petitioner requested that he be given a phone call by the Bureau of Prisons. After speaking with the Clerk, Petitioner was made aware that they only file the notice and he then must contact the Appellate Court directly.

Without any available knowledge as to the correct procedure of South Carolina Appellate Law it was impossible for Petitioner to know or understand the correct procedures to proceed. (Please note that the BOP facility where Petitioner resides has a legal library but it only contains Federal materials and does not have

access to South Carolina Appellate Procedure).

It is Petitioner's prayer that this Court grant this Motion "out of time" so that Petitioner may proceed with his cause. It is with great humility and respect that Carl Leon Linyard pleads with this Court his request and asks that the appropriate Appellate forms and/or paperwork be sent to him as needed.

Respectfully Submitted,

On this 10th day of September, 2015.

Carl Leon Linyard

Carl Leon Linyard, pro se

#10168-171

L.S.C.I.

P.O. Box 999

Butner, N.C. 27509

This Motion was
filed on record
8-3-15
in Beaufort
County Court.