

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
S. PHILIP LENSKI, ADMINISTRATIVE LAW JUDGE

RECEIVED

JUL 14 2017

APPELLATE CASE NO. 2017-001255

SC Court of Appeals

Clifton Lyles, #294075, Appellant,

v.

South Carolina Department of Corrections, Respondent.

MOTION TO GRANT AN EXTENSION OF TIME
TO SERVE AND FILE THE INITIAL BRIEF
AND DESIGNATION OF MATTER

Appellant do hereby this motion, approach the Honorable Clerk of Court, Jenny Abbott Kitchings, to request an extension of time to file the initial brief and designation of matter, based on the following:

On Monday, July 10, 2017, Appellant received two "orders to report" during mail call. One was to report to the mailroom on July 11, 2017, at 8 a.m. to pick up legal mail. The second one was to report to the job board on July 11, 2017, to be assigned a job. Upon reporting to the mail-room on July 11, 2017, Appellant received a letter from your honor, stamped received on July 10, 2017, and dated July 7, 2017. Your honor's letter informed me that the record indicated that the time for serving



and filing the initial appellant brief and designation of matter had passed. The letter instructed me that I had ten(10) days to serve and file the initial brief and designation of matter or the appeal would be dismissed.

After reading the letter, Appellant took it, as well as the other six (6) deadline letters from your honor, dated between June 22 and July 10, 2017, Respondent's Return to Appellant's Application to Proceed without payment of cost, dated June 24, 2017, and Defendant SCDC's Motion to Amend Answer to Assert the Affirmative Defense of Collateral Estoppel/Issue Preclusion, filed in the United States District Court, dated June 23, 2017, to the job board with him to present to the job board for consideration in appointing him a job.

Upon entering the room before the board, a Ms. Harrell, whom was a board member, along with a Captain Moore and Mr. Abraham, asked appellant what was the several envelopes that he had in his hand. Appellant informed Ms. Harrell that it was several court deadlines concerning several different matters that he had pending in the courts. Appellant informed her that he brought them as a means to help the board to see that he was being honest concerning the massive amount of court deadlines and legal work ahead of him, which would require all of his immediate time. Appellant informed the board that before being transferred to the Kirkland Institution on June 26, 2017, that he was previously assigned as a law clerk for the past three years at the Kershaw Institution. He asked if he could please be assigned to the library so that he could have a job that wouldn't interfere

with his court deadlines. Appellant asked that if they would not allow him to work in the law library, then could they allow him to be assigned to a dorm job which would not take up a lot of his time and allow him to work on his deadlines. Ms. Harrell stated to Appellant that "she has no concerns about no court deadlines", and that "she is only concerned about institutional needs". She then informed Appellant that he will be assigned to the Cafateria.

Appellant then pleaded with Ms. Harrell not to require him to work in the cafateria because he would be required to work eight (8) hours a day, seven (7) days a week, which will make it impossible to meet his deadlines. Ms. Harrell then became angry and snapped the question at Appellant, "are you gonna work in the cafateria or not"? Appellant again asked to be assigned to the law library or dorm. Captain Moore then stated "he is refusing to work", and ordered appellant to the holding cell. After reporting to the holding cell and sitting there for thirty (30) minutes, Appellant was ordered by Captain Moore to return to his housing unit to meet with his unit manager. Upon reporting to the unit, Appellant was summoned by unit manager Holsinger, and asked why he refused to work? Appellant informed her that he never refused to work, that he only kept asking to be assigned to a job which would accommodate his several court deadlines. Unit Manager Holsinger then stated "your court matters do not take precedence over your requirement to have a job". "You have refused to work and I am placing you on cell restriction until I can have you transfered". Appellant then informed Ms. Holsinger

that he had several ten (10) day deadlines that required that he be allowed to attend the law library. Unit manager Holsinger told Appellant that he is on cell-restriction and that he could not go to the law library until he is transferred to his new institution. She then informed Officer Stewart to deadlock Appellant in his cell. After about 20 minutes of sitting in his cell, Officer Stewart then came back to my cell and asked for any paperwork showing that I needed to go to the law library. Appellant then gave her all six (6) letters from your honor showing several ten (10) day deadlines. After taking the letters and leaving, Unit manager Holsinger returned a short time later with the letters and informed Appellant that if he did not have an Order To Report from the law library then he could not go. Appellant then informed Ms. Holsinger that she was being vindictive and that she is purposely trying to cause him to miss his deadline. Appellant told Ms. Holsinger that he will be filing a complaint against her with this court, and Ms. Holsinger stated "make sure you spell my name right". She then left.

Appellant contends, that as he will give a diligent effort to meet the ten (10) day deadline to serve and file the initial brief and designation of matter, he is all but sure that Defendant SCDC's cell restriction and pending transfer will obstruct and prevent his compliance with your honor's order. It is for that reason that Appellant is requesting an extension of time to comply with the ten (10) day deadline for serving and filing the initial brief and designation of matter.

THIS 12 DAY OF JULY, 2017

BY:  294075.

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Appellant,
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v.

South Carolina Department of Corrections,.....

Respondent.

CERTIFICATE OF SERVICE

I, Clifton Lyles(Appellant), do hereby certify that I did serve the "MOTION TO GRANT AN EXTENSION OF TIME TO SERVE AND FILE THE INITIAL BRIEF AND DESIGNATION OF MATTER", ON THE Respondent by depositing a copy of the same in the

U.S. Mail addressed as follows:

OFFICE OF GENERAL COUNSEL
4444 BROADRIVER ROAD
COLUMBIA, S.C. 29221

THIS 12 DAY OF JULY, 2017

BY: Clifton Lyles 294075
PRO SE
4344 BROADRIVER ROAD
COLUMBIA, S.C. 29210

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION & INMATE RECORDS
CUSTODY AND PRIVILEGES**

Open door
Wednesdays
12-1:30PM
MS.
Harrell

MS.
Marshall

Inmate Name Clifton Lyles Inmate Number 294075
Assigned/Recommended Custody M12

	MINIMUM OUT (MO)	MINIMUM OUT RESTRICTED (MOR)	MINIMUM IN (MI)	MEDIUM (ME)	SMU (SD, DD, PC, PHD)
ACCESS TO PROGRAMS & ACTIVITIES	Outside the perimeter off institutional property	Inside the perimeter or Outside the perimeter on institutional property	Inside the perimeter	Inside the perimeter	Selected cell activity only
ACCESS TO JOBS	Outside the perimeter off SCDC property	Inside the perimeter or Outside the perimeter on institutional property	All inside the perimeter Under armed supervision outside the perimeter	All inside the perimeter Under armed supervision outside the perimeter	None except job assignments within unit for Statewide PC which is closely supervised (none the 1 st 90 days)
WORK/EDUCATION CREDITS	2	2	3 until meets behavior & time requirements to MOR, then automatically to 2	5	None, except 7 for Statewide PC (none the 1 st 90 days)
ACCESS TO CANTEEN	\$125 week limit	\$125 week limit 150	\$125 week limit 150	\$40 week limit	Refer to OP-22.16 for Death Row, OP-22.12 for SMU, OP-22.32 for Statewide PC. Pre-Trial SK inmates are eligible for canteen privileges.
ACCESS TO VISITS	See SCDC Policy/Procedure OP-22.09, Inmate Visitation, OP-22.12, Special Management Unit, OP-22.11, Maximum Security Unit, or OP-22.32, Statewide Protective Custody for information on visitation privileges.				
*ACCESS TO TELEPHONE	Normal	Normal	Normal	4 calls per month	Up to 1 call per month (depending upon Security Detention level designation) Statewide PC - 1 per day

This does not affect access to legal telephone calls.

Unit Manager
Moore
Classification
Ms. Harrell

Projected Release Date as of: July 10, 2017
 Max-out 9/9/2030 Parole Eligibility MA SFII-A MA
 Labor Crew Eligibility N/A
 Sentence Start Date 6/14/2003 Sentence Length 30 years
 Detainers no detainers

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SC Court of Appeals

TO:HONORABLE CLERK,
JENNY ABBOTT KITCHINGS

FROM:CLIFTON LYLES#294075

Dear Clerk,

Please find enclosed one "MOTION TO GRANT AN EXTENSION OF TIME TO SERVE AND FILE THE INITIAL BRIEF AND DESIGNATION OF MATTER", to be filed in your office. I pray that it is in the proper form, and to your liking. If you have any questions please contact me as soon as possible. I again thank you for your kind and understanding consideration in this matter.

Sincerely

Clifton lyles,#294075

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SC Court of Appeals

Dear Sir,

Please find enclosed one "MOTION TO GRANT AN EXTENSION OF TIME TO SERVE AND FILE THE INITIAL BRIEF AND DESIGNATION OF MATTER", to be filed in the Honorable Clerk of Court's office. If you have any questions please contact me.

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SC Court of Appeals

14 Tom Lyles # 294075
E-B2-53
44 Broad River Rd
Columbia, SC. 29210



RECEIVED

JUL 13 2017

KIRKLAND R&E CENTER
MAILROOM

RECEIVED

JUL 14 2017

SC Court of Appeals

**LEGAL
MAIL
ONLY**

The Honorable Clerk, Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC. 29211