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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE SOUTH CAROLINA
SUPREME COURT

AUG 23 2017

S.C. SUPREME COURT

ROBERT JAMES #261393
Petitioner,

Appellate Case No:
2017-001174

V.

STATE OF SOUTH CAROLINA
Respondent.

REQUEST FOR RECONSIDERATION

Petitioner ask the Court to reconsider, and to either, accept his petition for rehearing, or reserve, or grant an extension of time. So that the Petitioner can respond in a timely manner to the Order that was previously served by the Court.

DISCUSSION

Petitioner stated that he did not have common knowledge of the order sent by court, prior to getting an Order To Report (OTR) to the south yard mailroom days afterward.

EXPLANATION

South Carolina Department of Corrections Mailroom Policy P.S. 10.08 outlines the procedure they follow in processing all mail. P.S.10.08 each Institution will maintain a mailroom, or designated area for sending, receiving, and distributing inmate mail. The Postal Director /Mailroom Supervisor and/or one (1) or more employees designated by the Warden (for those Institutions that do not have Postal Positions) will oversee the processing of all incoming and outgoing inmate mail (4-ACRS-6A-07. 4-4487).

P.S. 10.08 (2.3) Each Warden/Designee will ensure that a sufficient number of locked mailboxes are placed throughout the institution and living units/areas accessible to general population inmates. The Postal Director/Designee, will be responsible for collecting mail from these boxes at least once daily (excluding weekends, holidays and emergencies).

P.S.10.08(3) Operational hours: All SCDC mailrooms will be operational Monday through Friday for a total of 37.50 to 40 hours (excluding weekends, holidays and emergencies). Access to the mailroom for general population will be in accordance with the Institutional controlled movement schedule with the exception of legal mail. Inmates are sent OTR's-Order To Report- to go to the mailroom to receive legal and they have to sign for it to get it.

For several months now, Kershaw Correctional has been extremely short of security staff, and due to this fact, many days the institution is "shut down" with absolutely no inmates movement what so ever. And along with this, officer's were being attacked, which all happen during the time the court served the June 13,2017 Order.

Because of the security situation at Kershaw Correctional, the Petitioner did not receive his legal mail **until** his deadline to respond was upon him. For these stated reasons, Petitioner makes his request to this court to reconsider, and to either, accept his prior petition for rehearing, or reserve, or grant extension for Petitioner to respond to the Order that previously was served.


CONCLUSION

See, Tillman v. Tillman, June 14, 2017 S.E.2d 2017 (2017 WL2569864) ask a question whether the order was immediately appealable. In the present case, Petitioner ask can his order be reserved.

Williams v. Gondon, 347 S.C. 227, 233, 553 S.E.2d. 496, 500 (Ct.App. 2001). So the Petitioner makes his request based on Procedure of SCDC Security which is beyond the control of the Petitioner.

Respectfully Submitted,

DATE: August 26, 2017
Kershaw, South Carolina


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