

Letter To The Appellant Court
Clerk Filing The Notice of Appeal

Jenny Abbott Kitchings clerk
S.C. Court of Appeal
P.O. Box 11629
Columbia, SC. 29211

RECEIVED
NOV 22 2017
SC Court of Appeals

Re: Contest Dismissal of the Appellant Appeal

Dear Ms. Kitchings

The Appellant is writing in concern to contest the dismissal of his appeal. Ineluctably, he is a Pro-Se litigant and should not be held to the standard of a lawyer. The petitioner was granted an additional amount of time to correct his deficiencies which was timely completed. Albeit the clerk has failed to consider the "Prison Mail Box Rule" see: *Houston v Lack* 487 U.S. 266; 108 S. Ct. 2379 (1988) which enunciated that the filing is not tolled or penalized until the prisoner receipt and signing for that document with the institution.

Which is analogous to SCR Civ. Proced. Rule 6(e) additional time After Service by Mail or upon statutory Agent. The document was written and signed on October 20, 2017; the document was not received until October 24, 2017.

IF this court were to dismiss the

appellant appeal it would be impeding upon or violating his due process right to access to the court, neglect of duty S.C. codes 8-1-60.

The Appellant is presuming the court has made an error in sending this dismissal, but if not the appellant is obligated to request an impeachment of the clerk, pursuant to S.C. Constitutional Article XV 6 which promulgates that a state officer designated by law empowers the house to impeach S.C. Constitution Article XV 1 under 8-1-10 defines a public officer as a person whose duties are defined by law.

The Clerk is a public officer based upon His/Her duties being defined by law.

The Supreme Court shall appoint a clerk who shall hold HIS/HER office for four (4) years and who shall have the custody and keeping of record 14-3-130; 14-3-810 and 14-3-830 specifies the duties after a justice decides a case.

In 1907 defined duties are required under S.C. law the statutory definition of a public officer one who is charged by law with duties involving an exercise of some part of the sovereign power either small or great in the performance of which the public is concerned and which are continuing see: *Sander v Belve*, 58 S.E. 762; 78 S.C. 171 (1987)

Ergo the antecedent considered the Appellant humbly prays as a matter of law that the Honorable clerk recognizes the error and correct it by removing the order of dismissal and placing it on the docket to determine the appellant merits or be held in violation of Her oath for conspiracy against public policy 16-17-410; Conspiracy against civil Rights. 16-5-10 predicating contumacious conduct ICRA 203 (b) saliently states the time for appeal for all parties shall be stayed and shall run from written notice of entry of the order granting or denying such motion.

A party need not appeal until receipt of written notice of entry of the more complete order or judgment.



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

Hasler

FIRST-CLASS MAIL

10/20/2017

US POSTAGE

\$00.67⁹



ZIP 29201
011D12602824

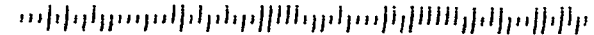
RECEIVED

OCT 24 2017

MCI MAIL ROOM

KEITH MYERS, 250863
MANNING CORRECTIONAL INSTITUTION W-7-C1B
502 BECKMAN DR.
COLUMBIA SC 29203

2920336208 0035



Mailed out on the
31st of Oct.

Case NO: 2017-001843



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

October 20, 2017

Keith Myers, 250863
Manning Correctional Institution W-7-C1B
502 Beckman Dr.
Columbia SC 29203

Re: Keith Myers #250863 v. SCDC
Appellate Case No. 2017-001843

Dear Mr. Myers:

Upon reviewing your motion of designation of matter, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected in its entirety within ten (10) days of the date of this letter or this appeal will be dismissed:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The document has not been signed as required by Rule 267(b), SCACR.
- The motion does not request permission to file both the appellant's initial brief and designation of matter outside of the filing deadlines set by Rules 208 and 209 of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Christina Catoe Bigelow, Esquire



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

October 20, 2017

Keith Myers, 250863
Manning Correctional Institution W-7-C1B
502 Beckman Dr.
Columbia SC 29203

Re: Keith Myers #250863 v. SCDC
Appellate Case No. 2017-001843

Dear Mr. Myers:

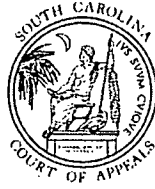
Upon reviewing your designation of matter, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected in its entirety within ten (10) days of the date of this letter or this appeal will be dismissed:

- According to Rule 209, SCACR, the designation of matter only requires that you list the information you wish to include in the Record on Appeal. Therefore, we are returning these documents to you. A correct designation of matter, pursuant to Rule 209, SCACR, must be filed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Christina Catoe Bigelow, Esquire



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

October 20, 2017

Keith Myers, 250863
Manning Correctional Institution W-7-C1B
502 Beckman Dr.
Columbia SC 29203

Re: Keith Myers #250863 v. SCDC
Appellate Case No. 2017-001843

Dear Mr. Myers:

Upon reviewing your appellant's initial brief, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected in its entirety within ten (10) days of the date of this letter or this appeal will be dismissed:

- The caption/title does not comply with Rule 267(a), SCACR. Specifically, the caption should substantially be in the form shown by the example in Rule 267(a), SCACR.
- The document has not been signed as required by Rule 267(b), SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Christina Catoe Bigelow, Esquire

RECEIVED

NOV 22 2017

SC Court of Appeals

Certificate of Service

I Keith R. Myers; # 250863 hereby certify that I have served a copy of The Letter to the Appellant Court Re: Contest Dismissal of the Appellant Appeal upon Cheron Hess, Honorable H. Kl. FunderBurk, JR and South Carolina Court of Appeal by depositing it in the United State Mail postage pre-paid address as follows:

South Carolina Court of Appeal
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, SC. 29211

Cheron Hess, Adm. Assit.
Office of General Counsel SCDC
4444 Broad River Rd
Columbia, SC. 29221

Honorable H. Kl. FunderBurk, JR
State of South Carolina
Administrative Law Court
Edgar A. Brown Bldg
1205 Pendleton St., Ste 224
Columbia, SC. 29201

11-16-17
Date

Keith R. Myers
Keith R. Myers

Sworn to and Subscribed Before Me,
This 16th Day of November, 2017
Signed: *[Signature]*
Notary Public of South Carolina
My Commission Expires: 11/20/2022

Keith R. Myers, #250863
Manning ReEntry & Work Release Center
502 Beckman Dr. W-7-C1B
Columbia, SC 29203

COLUMBIA
SC 290
NOV 17
PM 11

UNITED STATES POSTAGE
PITNEY BOWES
\$000.210
NOV 16 2017
0000880708
MAILED FROM ZIP CODE 29203

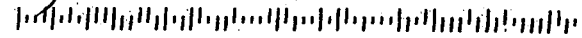


RECEIVED

NOV 22 2017
SC Court of Appeals

South Carolina Court of App.
Jenny Abbott Kitching, Clerk
P.O. Box 11629
Columbia, SC 29211

29211-162929






THE DEPARTMENT OF CORRECTIONS
HAS NOT CENSORED THIS ITEM.
THEREFORE, THE DEPARTMENT DOES
NOT ASSUME RESPONSIBILITY FOR ITS
WRITTEN CONTENTS.

MANNING CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 

© USPS 2013