

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

DEC 29 2017

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
ROBERT HOOD, CIRCUIT COURT JUDGE
Case No. 2016-CP-40-06916
Currently pending before the South Carolina Court of Appeals

Charles E. Carpenter Petitioner

vs.

South Carolina Department of Corrections
and The State of South Carolina Respondents.

**PETITION FOR CERTIFICATION OF APPEAL TO THIS COURT
AND CONSOLIDATION WITH ORIGINAL JURISDICTION PROCEEDINGS**

Petitioner Charles E. Carpenter (hereafter "Carpenter") petitions this Honorable Court pursuant to Rule 205(b), SCACR, for an order certifying the pending appeal in this matter (filed this date with the South Carolina Court of Appeals). In support of his petition, Carpenter will show:


1. Carpenter's trial court proceedings, in which he sought a declaratory judgment and writ of habeas corpus, was unnecessarily delayed at the circuit court, despite the efforts of Chief Administrative Judge Benjamin to expedite it per Carpenter's request.
2. Upon finally receiving the Order denying his Motion for Reconsideration on December 18, 2017, Carpenter was finally able to prepare and file his Notice of Appeal with the South Carolina Court of Appeals, which is being filed this date.

3. Also being filed this date with this Honorable Court is Carpenter's Petition in the Original Jurisdiction which, among other things, results from the trial court's ruling that the relief Carpenter sought at the trial court level was proper only in the Original Jurisdiction of This Court. The Petition in the Original Jurisdiction also details improper steps taken by the trial judge to advocate on behalf of respondents South Carolina Department of Corrections and State of South Carolina.
4. The issues decided by the trial court (other than the trial court's own misconduct) and which are the subject of the appeal to the South Carolina Court of Appeals, are identical to the issues raised in the Petition in the Original Jurisdiction in This Court.
5. Among the issues to be raised in this appeal is whether the trial court erred in overruling a prior order of Special Circuit Court Judge Jean Toal, who had earlier ruled that Carpenter's petition for writ of habeas corpus and complaint for declaratory relief were properly before the circuit court.
6. Because the issues raised in this appeal overlap, at least in part, the issues raised in the Petition in the Original Jurisdiction, and because Carpenter's expedited trial court proceedings dragged on for more than one year, it is respectfully submitted that the appeal currently pending at the South Carolina Court of Appeals be certified to this Court and consolidated with the Petition in the Original Jurisdiction so that the issues raised can be fully and finally heard by this Court. Carpenter is informed and believes that it is in the interests of justice for these matters to be heard together

Wherefore, Carpenter moves this Honorable Court for an order, pursuant to Rule 204(b), SCACR, certifying the appeal currently pending at the South Carolina Court of Appeals to this

Court, and consolidating it with the Petition in the Original Jurisdiction filed with this Court this date.

Respectfully submitted,


Desa Ballard
Harvey M. Watson III

BALLARD & WATSON
Post Office Box 6338
West Columbia, South Carolina 29171
Telephone 803.796.9299
desab@desaballard.com
harvey@desaballard.com

ATTORNEYS FOR APPELLANT

December 20, 2017



Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169
ph 803.796.9299 | fx 803.796.1066 | desaballard.com

December 27, 2017

Via U.S. Mail

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

RECEIVED

DEC 29 2017

SC Court of Appeals

Re: *Charles Eugene Carpenter v. South Carolina Department of Corrections, et al.*
Case No.: 2016-CP-40-6916

Dear Ms. Kitchings:

Enclosed for filing please find a copy of the Petition for Certification of Appeal to this Court and Consolidation with Original Jurisdiction Proceedings that was inadvertently omitted when the Notice of Appeal was filed for the above-referenced matter. Please clock and return a stamped copy in the self-addressed, stamped envelope enclosed. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

Beth Cogan, Paralegal
beth@desaballard.com



BALLARD & WATSON, ATTORNEYS AT LAW
226 STATE STREET
WEST COLUMBIA, SC 29169

To:

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

RECEIVED
DEC 29 2017
SC Court of Appeals

