

IN THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

H.W.FUNDERBURK JR. ADMINISTRATIVE LAW JUDGE

ALC CASE NO. 17-ALT-04-0154-AP

APPELLATE CASE NO. 2017-001964

RECEIVED

FEB 07 2018

SC Court of Appeals

MICHAEL BRAXTON 119081 ***** APPELLANT

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ***** RESPONDENT

MOTION REQUESTING LEAVE TO AMEND APPELLANT MOTION REQUESTING PERMISSION TO SERVE AND FILE FINAL REPLY BRIEF AND FINAL BRIEF OUTSIDE FILING DEADLINE SET BY SCRAP 211.

COMES NOW THE APPELLANT MICHAEL BRAXTON REQUESTING LEAVE AFTER RECEIVING THE RESPONDENT'S MOTION TO FILE OUT OF TIME ON FANUARY 30, 2018, IS COMPELLED TO ATTEMPT TO OFFER THE COURT ADDITIONAL CLAIRIFICATION PERTAINING TO HIS FILING OF THE APPELLANT REPLY BRIEF AND FINAL BRIEF OUT OF TIME.

THE APPELLANT FILED HIS "NOTICE OF APPEAL" IN THIS CASE ON SEPTEMBER 20, 2017. THE APPELLANT FILED HIS INITIAL BRIEF TO THIS HONORABLE COURT ON OCTOBER 13, 2017.

THE RESPONDENT THEN FILED AN "ENTRY OF APPEARANCE" AND IT'S MOTION TO "STRIKE IMPROPER MATTER" ON OCTOBER 23, 2017, BY ORDER, ISSUED ON DECEMBER 8, 2017 THIS COURT GRANTED THE RESPONDENT'S MOTION TO "STRIKE IMPROPER MATTER", AS WELL AS THE APPELLANT'S MOTION TO PROCEED IN FORMA PAUPERIS. THIS ORDER ALLOWED THE RESPONDENT UNTIL FANUARY 10, 2018 TO FILE IT'S INITIAL BRIEF.

AFTER BEING INFORMED IN EARLY DECEMBER THAT THERE WOULD BE AN INSTITUTIONAL LOCK-DOWN FOR THE HOLIDAYS, BEING UNSURE EXACTLY WHEN THIS WOULD OCCUR OR THE LENGTH OF TIME IT WOULD INVOLVE, THE APPELLANT FILED THE "RECORD ON APPEAL", CLOCK STAMPED BY THE COURT ON DECEMBER 12, 2017. THE RESPONDENT FILED IT'S INITIAL BRIEF ON DECEMBER 13, 2017 IT WAS RECEIVED BY THE APPELLANT ON FRIDAY DECEMBER 15, 2017.

THIS DATE AS IT TURNED OUT WAS THE BEGINNING OF THE INSTITUTIONAL LOCK-DOWN FOR THE HOLIDAYS, INCLIMATE WEATHER AND SHORTAGE OF STAFF. THIS IMPOSED LOCK-DOWN WAS FROM DECEMBER 16, 2017-DECEMBER 27, 2017.

THIS LEFT THE APPELLANT WITH NO MEANS TO ADDRESS THE RESPONDENT'S INITIAL BRIEF, SINCE HE HAD NO ACCESS TO THE LAW LIBRARY WHERE HE COULD OBTAIN ACCESS TO A COMPUTER, TYPEWRITER AS WELL AS OBTAIN THE NECESSARY COPIES. EVEN IF THE APPELLANT COULD HAVE HANDWRITTEN ALL THAT WAS REQUIRED, THERE STILL WAS NO MAIL SERVICE FROM DECEMBER 18, 2017 - DECEMBER 27 2017.

ON DECEMBER 19, 2017 THE COURT ATTEMPTED TO CONTACT THE APPELLANT BY MAIL, IN ORDER TO INFORM HIM THAT THE "RECORD ON APPEAL" WAS SUBMITTED PREMATURELY. THE COURT ALSO RETURNED THE RECORD AT THIS TIME. HOWEVER, THE APPELLANT WAS UNABLE TO RETRIEVE THIS CORRESPONDENCE UNTIL DECEMBER 27, 2017.

ON DECEMBER 28, 2017 THE APPELLANT RESUBMITTED THE "RECORD ON APPEAL" ALONG WITH THE APPELLANT REPLY BRIEF, SINCE THE RESPONDENT HAD NOW FILED IT'S INITIAL BRIEF ON DECEMBER 13, 2017

FROM DECEMBER 29, 2017 - JANUARY 2, 2018 THERE WAS YET ANOTHER INSTITUTIONAL LOCK-DOWN TO ACCOMMODATE THE COMING OF A NEW YEAR, AND SINCE JANUARY 2, 2018 KERSHAW CORRECTIONAL INSTITUTION HAS HAD NUMEROUS DAYS IN WHICH THE SHORTAGE OF STAFF HAS ONLY ALLOWED ESSENTIAL LIMITED MOVEMENT. COURT IMPOSED DEADLINES ARE TRUMPED BY SECURITY, EVENTHOUGH, CONFINEMENT AS WELL AS RELEASE ARE SACTIONED BY THE COURT.

ALONG WITH THE DIFFICULTIES FORMENTIONED, THE AMBIGUOUS NATURE OF SOME OF THE SOUTH CAROLINA RULES OF APPELLATE PROCEDURE HAS HAD THE APPELLANT IN A POSITION WHEREAS HE HAD TO LITERALLY GUESS WHAT ACTION WOULD BE APPROPRIATE

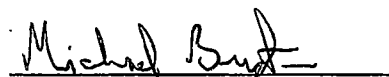
AN EXAMPLE OF THIS IS UNDER RULE 210 "RECORD ON APPEAL" AND RULE 211 "FINAL BRIEF". RULE 210 "RECORD ON APPEAL" STATES THE RECORD SHOULD BE FILED (30) DAYS AFTER THE SERVICE OF THE LAST BRIEF. HOWEVER, UNDER RULE 211 "FINAL BRIEF" IT STATES THE FINAL BRIEF SHOULD BE FILED (20) TWENTY DAYS AFTER THE SERVICE OF THE "RECORD ON APPEAL".

THE APPELLANT IS BY NO MEANS OFFERING ANY EXCUSES, HE SIMPLY OFFERS FACTS IN SUPPORT OF THE DILIGENCE IN WHICH HE HAS PURSUED HIS LIBERTY THROUGHOUT THE APPEALS PROCESS.

AT THIS TIME THE APPELLANT HUMBLY REQUEST AND PRAYS THIS HONORABLE COURT GRANTS PERMISSION ALLOWING THE SUBMISSION OF HIS REPLY BRIEF AND HIS FINAL BRIEF, RESPECTIVELY.

FEBRUARY 1, 2018

RESPECTFULLY SUBMITTED



MICHAEL BRAXTON 119081 PROSSE

MA-41

4248 GOLDMINE HWY

KERSHAW, S.C. 29067

IN THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

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v.

PROOF OF SERVICE

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RESPONDENT

APPELLATE CASE NO. 2017-001964

I HEREBY CERTIFY THAT 6 SIX COPIES OF THE FORGOING DOCUMENT (S) Motion Requesting Leave
to Amend Motion Requesting Permission to serve + file final ^{Reply Brief} WAS SERVED ON THIS DATE TO THE
FOLLOWING INDIVIDUAL(S) BY PLACING A COPY OF THE SAME VIA INSTITUTIONAL U.S. MAIL
SERVICE.

DATE: February 1, 2018

RESPECTFULLY SUBMITTED,

Michael Braxton

MICHAEL BRAXTON 119081

MA-41

4848 GOLDMINE HWY

KERSHAW, SC 29067

CC. SOUTH CAROLINA COURT OF APPEALS

THE HONORABLE JENNY ABBOTT KITCHINGS (CLERK)

THE HONORABLE V. CLAIRE ALLEN (DEPUTY CLERK)

P. O. BOX 11629

COLUMBIA, SC 29211

ANNIE L. RUMLER

SCDC GENERAL COUNSEL

P. O. BOX 21787

COLUMBIA, SC 29221

IN THE SOUTH CAROLINA COURT OF APPEALS

FEBRUARY 1, 2018

TO: THE HONORABLE FENNY ABBOTT KITCHINGS (CLERK)

V. CLARIE ALLEN (DEPUTY CLERK)

P.O. BOX 11629

COLUMBIA, SC 29211

RE: MICHAEL BRAXTON 119081 V. SOUTH CAROLINA DEPARTMENT

OF CORRECTIONS

SUBMISSION OF MOTION FOR LEAVE TO AMEND APPELLANT MOTION REQUESTING PERMISSION TO SERVE AND FILE FINAL REPLY BRIEF AND FINAL BRIEF OUTSIDE OF TIME.

DEAR MADAM CLERK (S)

PLEASE FIND ENCLOSED (6) SIX COPIES OF THE APPELLANT'S MOTION REQUESTING LEAVE TO AMEND APPELLANT MOTION REQUESTING PERMISSION TO SERVE AND FILE FINAL REPLY BRIEF AND FINAL BRIEF OUTSIDE OF TIME .

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SC Court of Appeals

RESPECTFULLY

Michael Braxton

MICHAEL BRAXTON 119081 PRO SE .

MA-41

4848 GOLDMINE HWY

KERSHAW, SC 29067

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BEASTON # 119081

old mine Hwy
SC 29007

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SC Court of Appeals

IN THE SOUTH CAROLINA COURT OF APPEALS
C/O THE HONORABLE JENNY ABBOT KITCHINGS (CLERK)
* THE HONORABLE V. CLAIRE ALLEN (DEPUTY CLERK)

P.O. Box 11629

Columbia, SC 29211