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JAN 14 2019  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Ernest Battle, #165247,	)	Case No. 2016-002412
Appellant,	)	
	)	PETITION FOR REINSTATEMENT,
V.	)	Pursuant to SCACR-Rule 260.
South Carolina Dept. of Corrections,	→	
<u>Respondent.</u>	)	

Now comes the above Appellant, Ernest Battle, #165247, respectfully petitions this Court for Reinstatement, pursuant to ~~SCACR~~ Rule 260 for the following reason(s) presented and good cause in the above case:

1. On December 14, 2018, Appellant received an order from this Court affirming the above case, issued on December 12, 2018, referring Appellant to SCACR-Rule 221(b).
2. Appellant submitted a timely petition for rehearing, pursuant to SCACR-Rule 221(a), accompanied with an affidavit of service indicating that a true copy was forwarded to Respondent, Ms. Kensey Collins, Esq. attorney for Respondent and an original to Ms. Jenny Abbott Kitchings/Clerk of S.C. Court of Appeals dated December 27, 2018. See attached.
3. On December 28, 2018, Appellant received a copy of the remittitur, dated December 28, 2018.
4. ~~SCACR~~ Rule 221(a), REHEARING AND REMITTITUR states as follows:  
Petitions for rehearing must be actually received by the appellate court no later than (15) days after the filing of the opinion, order, judgement, or decree of the court...ect.

5. Computing the time when Appellant received the order from December 14, 2018 until the time that the remittitur was issued, is 14, days. Computing the time from the time the order was filed with the court on December 12, 2018, Appellant submitted his petition for rehearing dated December 27, 2018, which was on a thursday, is 15 days.
6. Directing the Court's attention to SCACR-Rule 221(b), which states in part that: The remittitur shall contain a copy of the judgement of the appellat court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise order by the court shall not be sent to the lower court or administrative tribunal until (15) days have elaped (the day of ~~the~~ filing being excluded) since the filing of the opinion, order, judgement, o or decree of the court finally disposing of the appeal. If the petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court.
7. Pursuant to the Rules, the remittitur was prematurely sent prior to the expiration of the (15) days for petitioning for rehearing.
8. Petitioner respectfully request a reinstatement based on the following  
0 presented in this petition and a showing of good cause.

Respectfully submitted,

*Ernest Battle*  
Ernest Battle, #165247

CONCLUSION

Based on the following presented and for a showing of good cause,  
Petitioner respectfully petitions this court for reinstatement of the above  
captioned case.

Respectfully submitted,

s/ Ernest Battle  
Ernest Battle



**South Carolina Court of Appeals**

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

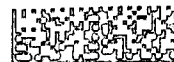
Master

FIRST-CLASS MAIL

12/12/2018

US POSTAGE

\$00.47<sup>0</sup>



ZIP 29201  
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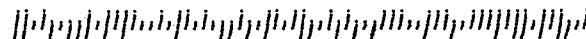
DEC 14 2018

MacDougall Corr. Inst.  
Mailroom

B2

ERNEST BATTLE #165247  
MACDOUGALL CORRECTIONAL INSTITUTE  
1516 OLD GILLIARD RD  
RIDGEVILLE SC 29472

2947237408 R004



SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Division of Inmate Services

**AGREEMENT TO DEBIT E.H. COOPER ACCOUNT**

Inmate's Name: <i>Bettle Ernest</i>	SCDC #: <i>165247</i>	Housing Unit: <i>B2</i>	Date: <i>12-27-18</i>
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**GENERAL MATERIAL**

\*\* Inmate must have the funds in his/her account to pay for the materials.

To be completed by  
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Tape		
Box		
Electronic Repair		
Other		
Sub-Total:		

**LEGAL MATERIAL**

\*\* Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by  
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage	<i>1.36</i>	<i>1.36</i>
Other		
Sub-Total:		<i>1.36</i>

*Kensley Collins  
4444 Be. Riv  
PO Box 21787  
Columb. 29221-1787  
SC Court of Appal  
Sonny A Abbott  
PO Box 11629  
Columb 29211*

**PHOTOCOPIES**

\*\* Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by  
SCDC staff:

Item	Amount	Cost
Photocopies		
		<i>1.36</i>
		<b>TOTAL</b>

*Bettle Ernest*  
Inmate's Signature

*M. Thurston*  
Mailroom/Canteen Signature (Request filled by)

*12-27-18*  
Date

White - Inmate  
Canary - Mailroom/Canteen Employee

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AFFIDAVIT OF SERVICE

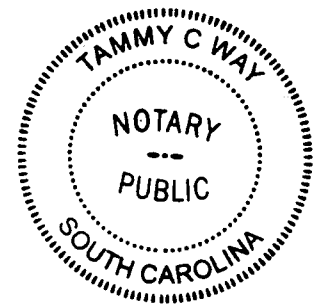
I, Ernest Battle, #165247, being duly sworn, disposes and swears under penalty of perjury that on this 10 day of January, 2019, did submit for filing one (1) original Petition for Reinstatement, pursuant to SCACR-Rule 260, along with affidavit of service to and a true copy to the below listed individuals:

Ms. Jenny Abbott Kitchings/Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

Respectfully submitted,  
*[Signature]*  
Ernest Battle

Ms. Kensey Collins, Esq.  
4444 Broad river Road  
P.O. Box 21787  
Columbia, S.C. 29221-1787

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 10<sup>th</sup> DAY OF January  
20 19  
*[Signature]*  
NOTARY PUBLIC  
STATE OF SOUTH CAROLINA  
MY COMMISSION EXPIRES 3/9/2024



Mr Ernest Battle # 165247  
MacDougall Correctional Inst  
1516 Old William Rd,  
Ridgeville, S.C. 29442  
Birch # 2 Unit - D-5-B

CHRYSTON  
MacDougall Correctional Inst  
Mail Room  
JAN 10 2019  
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UNITED STATES POSTAGE  
PITNEY BOWES  
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MAILED FROM ZIP CODE 29476

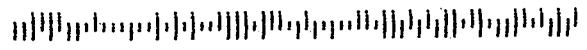
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SC Court of Appeals

Re: Ms. Jenny Abbott Kitchings Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

MAIL ROOM  
6/20/18 [Signature]

29211-162929



The Department of Corrections has  
censored this item, therefore the Department  
does not assume responsibility for its  
written contents - MacDougal Correctional  
Institution.