

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPELLATE CASE NO. 2018-002244  
APPEAL FROM THE ADMINISTRATIVE LAW COURT  
ORDER dated Nov. 2, 2018  
Received on Nov. 6, 2018

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ALL Case No(s): 18-ALS-04-0282-AP  
18-ALS-04-0283-AP

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RECEIVED

JAN 11 2019

SC Court of Appeals

STEPHEN C. STANKO, #6022, ..... Appellant,

v.

SOUTH CAROLINA DEPT. OF CORRECTIONS, ..... Respondent.

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NOTICE OF APPEAL (Corrected)  
w/ Affidavit in Support

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The Appellant, Stephen C. Stanko, #6022, files this corrected NOTICE OF APPEAL of the ORDER of the honorable Judge Ralph King Anderson, III, dated and FILED on November 2, 2018. The Appellant received his copy of said ORDER on November 6, 2018.


In this (Corrected) NOTICE OF APPEAL, the Appellant herein states:

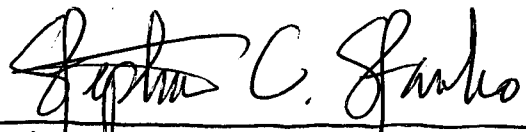
1. The Appellant is an inmate on the S.C. Death Row housed at Kirkland C.I. and received his copy of the ORDER on Nov. 6, 2018;
2. Limited in the ability to research case laws and rules, it took the Appellant a period of time to research the issues and verify the arguments to warrant filing this APPEAL.

The Appellant prepared an original NOTICE OF APPEAL, MOTION TO PROCEED IN FORMA PAUPERIS, and cover letter and forwarded said documents to the Justice 360 law firm so that copies could be made and forwarded to all parties involved. The Appellant was

- debited postage of two dollars and twenty-six cents (\$2.26) through the Kirkland C.I. mailroom;
3. The envelope never arrived at the offices of Justice 360 in time to meet the standard time frames. This can be verified by Lindsay Vann, Esq. and Jill Abernathy-Rider;
  4. After finding out via phone that it NEVER arrived, the Appellant forwarded a second (2nd) and subsequent NOTICE OF APPEAL.  
It should be noted that after the Appellant filed several internal documents with SCDC and the Kirkland mailroom, the original envelope did arrive at Justice 360 on Dec. 19, 2018 - twenty-three (23) days after mailing;
  5. On December 18, 2018, the 2nd NOTICE OF APPEAL along with a Cover Letter explaining the circumstances and a copy of the original postage receipt was forwarded to all parties;
  6. On December 31, 2018, the Appellant received a letter from the Office of the Clerk of the Court of Appeals dated "Dec. 21, 2018." It gave the Appellant ten (10) days from the date of the letter to make corrections of providing a copy of the ORDER (Att), a statement of when the Appellant received his copy of said ORDER, and to address filing fees, - an impossibility given the Appellant received it on the tenth (10th) day; and
  7. The Appellant immediately forwarded a letter requesting extension.

THESE FACTS STATED, the Appellant herein files this corrected NOTICE OF APPEAL, a copy of the original ORDER, MOTION TO PROCEED WITHOUT PAYMENT OF COSTS w/ AFFIDAVIT, and letter of explanation.

IT IS SO NOTICED this 4th of January, 2019. (2019). 



Stephen C. Stanke #6022 - Appellant  
Kirkland RAE/MSU - Death Row A-3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the (corrected) NOTICE OF APPEAL and MOTION TO PROCEED WITHOUT PAYMENTS OF COSTS/ IN FORMA PAUPERIS w/ AFFIDAVIT IN SUPPORT was this date served upon the following individual(s) by placing a copy of the same via mail addressed as follows:

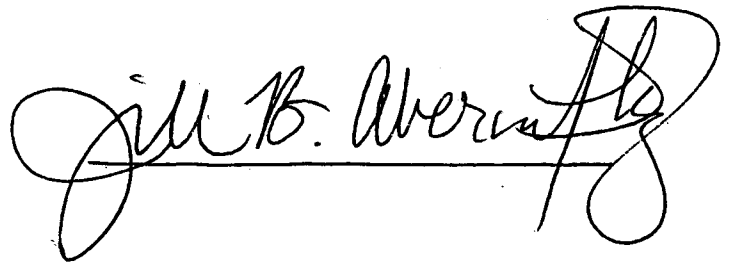
South Carolina Dept. of Corrections  
Attn: Cheron Hess, Admin. Asst., Gen. Counsel  
P.O. Box 21787  
Columbia, S.C. 29221-1787

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SC Court of Appeals

Columbia, S.C.  
January 10<sup>th</sup>, 2019

A handwritten signature in cursive script, reading "Jill B. Abernethy". The signature is written in black ink and is positioned below the date and location information.

JANUARY 4, 2019

S.C. Court of Appeals  
Attn: V. Claire Allen, Deputy Clerk  
P.O. Box 11629  
Columbia, SC 29211

Re: Appellate Case No. 2018-002244  
Stephen C. Stanko #6022 v. SCOC

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JAN 11 2019

SC Court of Appeals

Hon. V. Claire Allen,

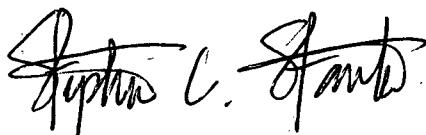
Pursuant to your letter of December 21, 2018 which I received on December 31, 2018 and my immediate response sent January 2, 2019, I am herein forwarding you:

- NOTICE OF APPEAL (corrected)
- MOTION TO PROCEED WITHOUT PAYMENT OF COSTS / IN FORMA PAUPERIS
- ORIGINAL ORDER OF ADMIN. LAW COURT
- CERTIFICATE OF SERVICE

In the event that my MOTION TO PROCEED W/O PAYMENT... is NOT approved, I would ask that you please cancel / dismiss the action.

By copy of this letter and the enclosed CERTIFICATE OF SERVICE, I have forwarded a copy of same to the Respondents.

Very Respectfully... I am,



Stephen C. Stanko, #6022 - Appellant  
Kirkland RFE/MSM-DIR (A-3)  
4344 Broad River Road  
Columbia, S.C. 29210

Stephen C. Stanko #6022  
Kirkland RTE/MSU DR-A3  
4344 Broad River Rd  
Columbia, SC 29210

South Carolina Court of Appeals  
Attn: Claire Allen, Deputy Clerk  
P.O. Box 11629  
Columbia, SC 29211

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JAN 11 2019

SC Court of Appeals