

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JAN 30 2019

SC Court of Appeals

APPEAL FROM BAMBERG COUNTY
COURT OF GENERAL SESSION

Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No: 2017-002619

The State of South Carolina,

Respondant,

V.

Johnnie Lee Jones, SCDC #340271,

Appellant,

MOTION TO RELAX RULE

Appellant, Johnnie Lee Jones, Comes before this Honorable Court, in pursuant to **SCACR. Rule 240**, With Motion to Relax Rule **SCACR. rule 267-(e)**, Requesting Courts to allow appellant to proceed in Appellate Case noted here-in above under the following deficiencies:

(SEE): Attached Exhibit: #A-sections 1-4.

- (1):** Appellate Court records will reflect, The **Final Brief of Appellant** submitted November 14, 2018 to the Courts to be in compliance of the rule 267-(e) in paginated order, With Content and Index tables and each applicable issue of the Appeal labled and numbered in order..
- (2):** Appellant file Notice of Appeal, With application of **Forma Pauperis** challenging the conviction and confinement of Appellate Case noted in the above reference and cannot afford to produce (15) - Fifteen Bound copies of such application for Courts..

- (3): Appellant is unable to comply with SCACR. rule 267-(e), Color Cover Briefs as SCDC does not allow and/or supply such type materials and will not allow such materials to be sent into SCDC..
- (4): Appellant is in compliance to rule 267-(e), Where the record will reflect Final Brief of Appellant submitted November 14,2018 to the Appellate Court Clerk, The cover pages of the Final Brief and/or Record of Appeal are applicable to the rule as follows:

The State of South Carolina,
Respondant,

v.

Johnnie Lee Jones, SCDC #340271,
Appellant,

CONCLUSION

FOR ALL REASONS STATED, Appellant respectfully request this Honorable Court please Relax the rule SCACR. rule 267-(e) and allow the Final Brief of Apellant and The Record of Appeal submitted to the Appellate Courts Clerk on November 14,2018, to be filed for Court proceedings..

Johnnie Lee Jones,
Johnnie Lee Jones, SCDC #340271.
Acting Pro-Se Attorney:
Allendale Correction Institution
Post-office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

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The State of South Carolina,

Respondant,

V.

Johnnie Lee Jones, SCDC #340271,

Appellant,

PROOF OF SERVICE

I, Johnnie Lee Jones, Due hereby the undersigned certify that I have on the date noted below served a copy of the Motion to Relax Rule, SCACR rule 267-(e), on the South Carolina Appellate Court and on the Attorney General office, by depositing a copy of the same, in the United States Mail, with Postage prepaid.

January 28, 2018:

Johnnie Lee Jones,
Johnnie Lee Jones, SCDC #340271.
Acting Pro-Se Attorney:
Allendale Correction Institution
Post office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

Exhibit # A

(Sec): section 1-4:



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

January 07, 2019

Johnnie Lee Jones, 340271
Allendale Correctional Institution
P. O. Box 1151, Hwy 47
Fairfax SC 29827

Re: The State v. Johnnie Lee Jones
Appellate Case No. 2017-002619

Dear Mr. Jones:

Upon reviewing your corrected record on appeal and final brief of appellant, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter, or this appeal will be dismissed:

- (1): - • - The record on appeal is improperly paginated.
- (2): - • - The number of copies provided is not in compliance with the SCACR. You must provide an unbound original of the record on appeal, and final brief of appellant, along with fifteen (15) bound copies. If you wish to reduce the amount of bound copies, you must file a motion with the Court.
- (3): - • - The color of the cover of the final brief of appellant is not in compliance with Rule 267(e), SCACR. The cover of the final brief of appellant should be blue in color. If you cannot obtain blue covers, you must file a motion with the Court to be allowed to omit this requirement.
- (4): - • - The covers of the record on appeal, and final brief of appellant do not comply with Rule 267(e), SCACR. Specifically, opposing counsel is not listed on the cover of the record on appeal. The record on appeal should list the names of all parties/counsel for the appellant and the respondent. Also,

(Pg-1)

the captions of the record on appeal and final brief of appellant are not correct. The caption should read as follows:

The State, Respondent,

v.

Johnnie Lee Jones, Appellant.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire

Johnnie Lee Jones, SCDC #340271.
Allendale Correction Institution
Post-office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

January 28, 2019

South Carolina Court of Appeal.
Jenny Abbott Kitchings, Clerk.
Post-office Box 11629
Columbia, South Carolina 29211

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RE: Filing of Motion:
Appellate Case No: 2017-002619:

Dear Honorable Clerk,

Please find enclosed for filing in your respectfull Court the original MOTION TO RELAX THE RULE and PROOF OF SERVICE on all parties of record on Final Brief and Record of Appeal submitted November 14, 2018...

Appellant would respectfully request the Motion file and all activity pretaining to Appellate Case No: 2017-002619 prefiling, Extensions, Ect., be placed in abeyance untill notification of adjudication on such motion is return to the address listed above...

Appellant would like to take a moment to thank you and your office in advance for any or all assistance that may be provided in the helping to procure the legal matter noted herein...

Respectfully Submitted,

Johnnie Lee Jones,
Johnnie Lee Jones, SCDC #340271.
Acting Pro-Se Attorney:
Allendale Correction Institution.
Post-office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

CC: South Carolina Court of Appeal:
Jenny Abbott Kitchings, Clerk.

Office of Attorney General:
Alan Wilson, Attorney General:

Johnnie Lee Jones, SCDC #340271
Allendale Correction Institution
Post-office Box 1151 F-3-B-23
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LEGAL MAIL