

State of South Carolina  
In the Court of Appeals

Appeal from the Administrative Law Court  
Administrative Law Judge S. Phillip Lewski

ALC Case No. 17-ALJ-04-0163-AP  
Appellate Case No. 2018-002243

**RECEIVED**

JUN 28 2019

SC Court of Appeals

John K. Massey, Jr. # 305341

Appellant,

vs.

South Carolina Dept' of Corrections,

Respondent.

Motion to File out of Time

Appellant failed to file his Record on Appeal in the allotted time under the South Carolina Appellate Court Rules, due to and oversight on the part of the undersigned, and a scheduling conflict with the mailroom at the undersigned's institution; Appellant was having trouble getting copies. Appellant is hereby requesting to file a Motion ~~to file~~ out of time. Furthermore, Appellant was awaiting response from the Court on a previous motion filed for Appointment of Counsel. This motion is not being made for purpose of delay; instead, it is being made to ensure that the issues raised in this appeal are properly researched and briefed.

Wherefore, Appellant respectfully requests this Court allow the Motion to File out of Time be filed out of time.

Respectfully submitted

John K. Massey, Jr.

S/ John K. Massey, Jr # 305341  
Mendenhall Correctional Inst.  
1516 Old Gillard Rd  
Ridgely, S.C. 29472

June 21<sup>st</sup>, 2019

State of South Carolina

In the Court of Appeals

Appeal from the Administrative Law Court

Administrative Law Judge S. Phillip Lewski

ALC Case No. 17-ALJ-04-0163-AP

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Appellant, SC Court of Appeals

John K. Massey, Jr. #305341,

vs.  
South Carolina Dept' of Corrections,


Respondent.

Certificate of Service

Undersigned counsel hereby certifies that on today's date, he mailed a copy of the Motion to File out of Time to Respondent via U.S. Mail and a copy to the Clerk of the Appellate Court to each's last known address as follows:

① Kensey E. Barrett  
Office of General Counsel  
P.O. Box 21787  
Columbia, S.C. 29221

② S.C. Court of Appeals  
Jenny A. Kitchings  
P.O. Box 11629  
Columbia, S.C. 29211

  
s/ John K. Massey, Jr. #305341  
Maddox Correctional Inst.  
1516 Old Gillard Rd.  
Ridgeville, S.C. 29472

June 21<sup>st</sup>, 2019

The Honorable Jerry A. Kitchings  
Clerk, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

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JUN 28 2019  
SC Court of Appeals

Re: John K. Massey, Jr. # 305341 v. SCDC  
Appellate Case No. 2018-002243

Dear Ms. Kitchings:

Enclosed is a Motion to Rile Out of Time along with Certificate of Service of each, in the above captioned appeal. This is responsive to letter from the S.C. Court of Appeals dated June 17, 2019.

Thank you for your attention to this matter and help. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,



s/ John K. Massey, Jr. # 305341  
Macedougall Correctional Inst.  
1516 Old Gillard Rd  
Ridgeville, S.C. 29472

John R Massay, Sr # 308341  
MacDougall Correctional Inst  
1516 Old Gilliard Rd  
Ridgely, SC 29472

MacDougall Correctional Inst.  
Mailroom

JUN 26 2019

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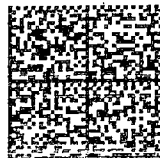
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SC Court of Appeals

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

