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MAY 14 2020

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

**APPEAL OF THE FINAL DECISION  
OF THE ADMINISTRATIVE LAW COURT**

Honorable Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2020-000658

Michael J. Pettinato, #218405,.....APPELLANT

v.

South Carolina Department of Probation,  
Parole and Pardon Services,.....RESPONDENT

**MOTION FOR ENLARGEMENT OF TIME**

Michael J. Pettinato, the above Appellant, respectfully moves this Court to Enlarge The Time in which to file his Initial Brief and any other documents he may need or be required to file in the above captioned case.

In support of this Motion, Appellant would respectfully show this Honorable Court the following:

This is an Appeal from an Order of the Administrative Law Court, (Case No. 19-ALJ-15-0039-AP) dated March 12, 2020 and received by Appellant on March 18, 2020, which denied relief as to Pettinato's assertions that the Parole procedures are arbitrary, capricious and violate Due Process.

Appellant, ("Pettinato" or "Appellant") filed a Notice of Appeal, a Request To Proceed In Forma Pauperis, Affidavit In Support Of Request To Proceed In Forma Pauperis, the Order(s) being appealed, and other documents and served same upon Octavia Wright, Esquire, the last Counsel of Record for the DPPPS known to Pettinato.

On April 23, 2020, Pettinato received his clocked stamped copies of the above documents from the Clerk of the Court Of Appeals and on May 4, 2020 he received a letter from the Clerk which, among other things, assigned Appellate Case No. 2020-000658 to this case, directing Pettinato to change the Title to reflect the Title as set forth above and to ensure that his filings comply with Rule 267, SCACR.

Pursuant to Rule 208, SCACR, Pettinato's Initial Brief is due to be filed by May 13, 2020. Pettinato seeks an Order allowing him an additional thirty (30) days in which to file his Initial Brief and any other documents that he may need to file due to the following:

1. The Corona Virus situation and combined ongoing shortage of Staff within the SCDC and at Turbeville C.I., prevents Pettinato from being able to obtain adequate research time in the Law Library and the Shortage of Staff and Officers alone creates an ongoing shortage of Law Library access;

2. For instance, this week, the Law Library was closed on May 5th because an Officer was not available, on May 7th because the Law Library Clerk was at an outside medical appointment [Since there is only one Law Clerk, when he is not available, the Law Library is closed], and the Law Library is closed today (Friday, May 8th), because the Officer assigned to the Law Library is not available and this is typical of most weeks;

3. Pettinato, who is proceeding in this matter Pro Se, is a layman in these type matters, has never prosecuted an appeal in this Court and needs adequate and additional time in which to research Case Law and Court Rules in order to comply with the requirements for proceeding in this case;

4. Pettinato files this motion in a good faith effort to preserve his right to have these issues heard by this Court and does not file this motion as a means of causing any unnecessary delays;


5. The Respondent will not be prejudiced if the Court Grants this Motion;

6. Appellant also anticipates that he most likely will need to file a second Motion For Enlargement Of Time, depending on the extent of the impact that the Corona Virus, Officer Shortage and other problems have on Pettinato's access to Law Materials for research and preparing his documents;

7. Pettinato Swears under penalty of perjury that the foregoing facts are true and correct.

**WHEREFORE**, Appellant prays that this Court Enlarges the Time for which Appellant must file and serve his Initial Brief from May 13, 2020 to June 12, 2020, and that this Honorable Court Grant such other and further relief this Court deems fair and just.

May 8, 2020  
Turbeville, South Carolina

  
Michael J. Pettinato, #218405  
Turbeville C.I., SNB-150  
1578 Clarence Coker Highway  
Turbeville, SC 29162

**Appellant, Pro Se**

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v.


South Carolina Department of Probation,  
Parole and Pardon Services,.....RESPONDENT

CERTIFICATE OF SERVICE

I, Michael J. Pettinato, **CERTIFY** under penalty of perjury that I have on this date, served a Motion For Enlargement Of Time upon the above named Respondent, by hand delivering same to a Mail Room Clerk at the Turbeville C.I., for deposit into the U.S. Mail, First Class Postage prepaid and addressed as follows:

South Carolina Department of Probation,  
Parole and Pardon Services  
Attn: Matthew C. Buchanan, Esquire  
General Counsel  
2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, SC 29250

May 8, 2020  
Turbeville, South Carolina

  
Michael J. Pettinato, #218405  
Turbeville C.I., SNB-150  
1578 Clarence Coker Highway  
Turbeville, SC 29162

Appellant, Pro Se

Michael J. Pettinato, #218405  
Turbeville Corr., Inst., SNB-150  
1578 Clarence Coker Highway  
Turbeville, SC 29162

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May 8, 2020

SC Court of Appeals

Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Michael J. Pettinato, #218405, Appellant, vs. South Carolina  
Department of Probation, Parole and Pardon Services,  
Respondent, Appellate Case No. 2020-000658

Dear Ms. Kitchings:

Enclosed for filing in the above referenced case, please find a Motion For Enlargement Of Time and a CERTIFICATE OF SERVICE of same upon the above Respondent's counsel of record.

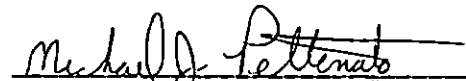
Also enclosed please find an additional copy of each document that I wish to have clock-stamped and returned to me for my records and a self addressed postage prepaid envelope as is customary.

In addition, if you determine that I may need other documents that I do not have as a result of not having direct access to the Court House or Agency where I may obtain them, please send me any such forms so I may use them as needed.

I am still also requesting a "Waiver Of Fees" Form if you will please send me that form to be used if necessary, as it pertains to my Motion To Proceed In Forma Pauperis.

Thank You in advance for your assistance in this matter.

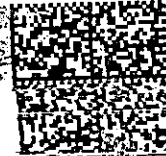
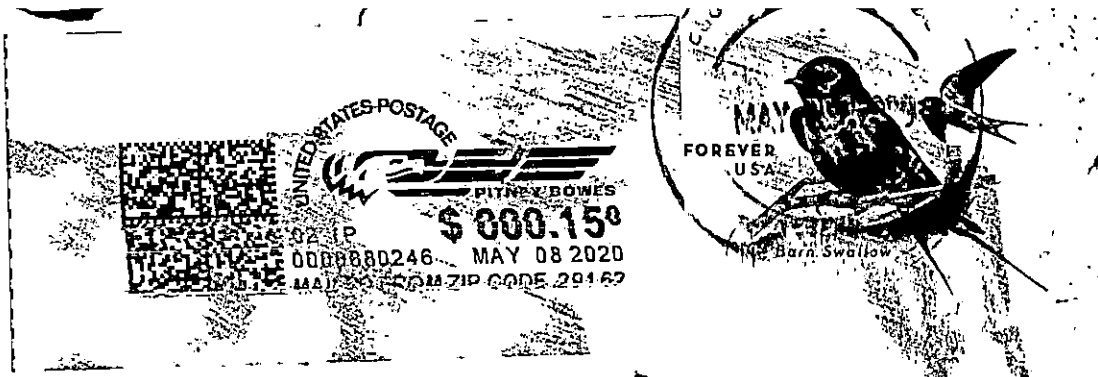
Respectfully,



Michael J. Pettinato, #218405  
Turbeville C.I., SNB-150B  
1578 Clarence Coker Highway  
Turbeville, SC 29162

cc: Matthew C. Buchanan, Esq., Respondent's Counsel of Record  
File

Michael J. Pettinato, #218405  
Turbeville Corr., Inst., SNB-150  
1578 Clarence Coker Highway  
Turbeville, SC 29162



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