

April 27th, 2020

Re: Appellate Case no. 2020-000163 / Trial case No. 2013CP1801297

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APR 30 2020
SC Court of Appeals

Dear Clerk,

On April 27th, 2020 I received the letter from the S.C. Court of Appeals dated April 16th. regarding the April 27th deadline to fix all deficiencies with the Notice of Appeal which I sent to the court some time ago.

I now respectfully request that the doctrine of equitable tolling be applied due to the Lee County Correctional Institutions mail room delaying to deliver the letter until the day of the deadline.

This delay made it impossible to comply with the Courts Order in meeting the deadline, however all of the deficiencies have been fixed with the exception of the \$250 court fee, which I now respectfully request be waived under the circumstances due to the facts that (1) this Notice of Appeal is an appeal to the denial of a Motion to Re-instate case No. 2013CP1801297 which was dismissed only due to non payment of \$150 court costs, which according to the Inmate financial certificate should have been waived and (2) the COVID19 pandemic.

Respectfully submitted,

s/ MDR

M.D. Rivers

IN THE SOUTH CAROLINA COURT OF APPEALS

Maurio Daetrel Rivers, Appellant,

v.

Dorchester County Sheriff's Department and
Berkeley County Sheriff's Department, Respondents

Appellate Case No. 2020-000163

Judge Edgar Dickson

Dorchester County

Trial Court Case No. 2013CP1801297

AMENDED NOTICE OF APPEAL

Now comes the Appellant, and hereby gives notice that he is appealing the Courts order denying the Motion to Reinstate and granting the Motion to dismiss. The motion hearing was held on August 13th 2018 and the decision was entered by Judge Edgar Dickson for the Court of Common Pleas on the 30th day of December, 2019.

S/ 

Maurio Daetrel Rivers (Pro se')
Lee County Correctional Institution
990 Wisacky Highway
Bishopville South Carolina 29010

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IN THE SOUTH CAROLINA COURT OF APPEALS

Maurio Daetrel Rivers, Appellant,

v.

Dorchester County Sheriff's Department and
Berkeley County Sheriff's Department, Respondents

Appellate Case No. 2020-000163

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Dorchester County

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Amended Notice of Appeal was served by U.S. mail postage prepaid upon the Attorney for the Respondent, Ms. Ellore Gaines, Esq. on this 27th day of April, 2020 addressed to:

Hood Law Firm, LLC
PO Box 1508
Charleston SC 29402-1508

Cc:
Clerk of Court
Dorchester County
5200 East Bilton Blvd.
St. George, SC 29477

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ORDER OF THE COURT OF APPEALS
SECTION TWO DIVISION TWO
PLAINTIFFS MOTION TO DISMISS AND
DEFENDANTS MOTION TO DISMISS AND

Plaintiff's Motion to Dismiss and Defendants' Motion to Dismiss. A hearing was held on August 13, 2018 before the Honorable Judge V. Michael Smith. Defendants argued that the claims asserted by Plaintiff fail to state facts sufficient to support relief which relief may be granted as to the Defendants. The Defendants further argued that Plaintiff's claim is barred by the doctrine of collateral estoppel as to the previously adjudicated and settled claims against the Defendants that arose from the same facts and circumstances alleged in this action. Finally, the Defendants argued that the applicable statute of limitations has expired on the claims since the incident occurred on July 12, 2011. The Plaintiff's motion to amend to *forma pauperis* was denied on September 12, 2018 and the Plaintiff failed to exhaust the time for action until January 11, 2017. As such, the applicable statute of limitations has expired.

Based on the foregoing and the arguments presented by Plaintiff and Defendants at the hearing on August 13, 2018, the court DENIES the Plaintiff's Motion to Dismiss and GRANTS the Defendants' Motion to Dismiss.

IT IS NOT ORDERED that the Plaintiff's Motion to Dismiss be granted. The Plaintiff's Motion to Dismiss is DENIED. The Plaintiff's Motion to Amend to *forma pauperis* is DENIED. The Plaintiff's Motion to Dismiss is DENIED. The Plaintiff's Motion to Dismiss is DENIED. The Plaintiff's Motion to Dismiss is DENIED.

Maurio Rivers # 232669
Lee County Correctional Inst.
(F2A1112)

990 Wisacky Hwy
Bishopville, SC, 2901

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SC Court of Appeals

S.C. Court of Appeals
P.O. Box 11629
Columbia, SC, 29211

COLUMBIA, SC 29201

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