

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUL 06 2020

SC Court of Appeals

The State vs. Kevin Herriott,
No. 2019-000 969

In re, Kevin Herriott vs. The State of South Carolina

TRANSFER CASE ACTION
AND
CERTIFICATION
NOTICE

COMES NOW, Appellant Kevin E. Herriott, prose, moves this Court asking for Order to grant Certification and Transfer Case Action. Pursuant to Rule 204(b), Rule 208(a)(4), SCACR.

The Appellant Herriott submits that on June 22, 2020, Respondent Mr. Blich, ask for a(n) thirty (30) day extension to serve and file Initial Brief of Respondent and Designation of Matter due to alleging a(n) misunderstanding of the Order dated April 29, 2020. Further the Respondent contends that due to a heavy workload, he's requesting an thirty (30) day extension while standing on Chief Justice Order of the COVID-19 Pandemic, see Standing Order Misc. Number: 3:20-me-105.

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The Appellant Herriott shows to the Court that had the Respondent Mr. Blitch had responded in a timely fashioned matter giving a ten day notice prior to awaiting the alleged due date June 22, 2020, to serve and file the aforementioned documents required, he would have been in fact timely.

In Accordance to the Order dated April 29, 2020, the Order specifically ordered the Respondent stating, "shall serve and file its initial brief and designation of matter within thirty (30) days of service of Appellant's initial brief and designation of matter." The Appellant Herriott upon receipt of the April 29, 2020, order, he, then, filed and served the Respondent Mr. Blitch on May 05, 2020, upon receiving a copy of Brief of Appellant from the Court. From May 5, 2020 to June 04, 2020, would have been 30 days.

On or about June 15, 2020, the Appellant Herriott asked for transfer case action to the South Carolina Supreme Court because Respondent has deliberately on purpose intends to delay this action. For Certification is normally appropriate where a(n) case action involves an issue of a legal principle of major importance. see SCAER, Rule 204(b)

The Respondent Mr. Blitch has misrepresented the facts in this pleading. On April 10, 2020, the Appellant Herriott demonstrated to the Court that the Respondent had entered default judgment by being unresponsive. On April 29, 2020, the Court ordered the Respondent to produce its Brief and attachments. On June 15, 2020, the Appellant Herriott asked for an transfer.

However, the Respondent Mr. Blitch in returned has asked for a second

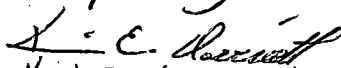
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extension on June 22, 2020. The first extension was an request asking for the Court to be held in abeyance on March 12, 2020, yet, the Respondent Mr. Bitch states, "this is his first request" while standing on the Chief Justice standing order. (Misc. Number: 3:20-me-105). To be held in abeyance is to extend the Court's process in adjudicating the merits before this Court. There's no difference to ask for an extension to achieve the same goal and that is to delay the Appellant's process. SCR CP, Rule 6(b)

Nevertheless, the standing order the Respondent Mr. Bitch, thus relies upon, the requested extension must be agreed upon by both parties. Id., 3:20-me-105, paragraph 3, sub-paragraphs 4-5). Furthermore, the standing order instructs a case-by-case exception and advise individual judges presiding over criminal proceedings may take such action as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

The Appellant Herriott has demonstrated that the Respondent Mr. Bitch, have not responded to Rule 55, of S.C. Court of Rules of Civil Procedure, to set aside the fault, failed to give an answer by reply to the Appellant's Herriott initial Brief and designation of matter, asked for two (2) extensions, and intends to further delay this action by deliberately on purpose failing to respond to the Court's orders, who is schooled in the law; yet not upholding its principles. WILL YOU PLEASE TAKE NOTICE and a Judge accordingly.

Respectfully Submitted,


Kevin E. Herriott #313862
Prose Litigant.

June 30, 2020
Date.

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The State vs. Kevin Herriott SC Court of Appeals

No. 2019-000969

PROOF OF SERVICE

I, Kevin E. Herriott, pro se, do hereby has served proof of service upon ALL Parties the foregoing 'Motion To Transfer Case Action And Certification Notice,' by depositing a(n) true copy of the same in the U.S. Mail, pre-paid postage.

Mr. William Blitch, Jr., Esquire
Post Office Box 11549
Columbia, South Carolina 29211-1549

Clerk Jenny Abbott Kitchings
Post Office Box 11629
Columbia, South Carolina 29211

151 Kevin E. Herriott #313862
Kevin E. Herriott,
Pro Se Litigant.

June 30, 2020

Clerk Jenny Abbott Kitchings
S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: The State vs. Kevin Herriott
No.: 2019-000969

Dear Clerk:

PLEASE WILL YOU FIND ENCLOSED Motion To Transfer case action and Certification Notice, The Appellant above-named in reference ask that a(n) stamped-copy file be sent to him for his file.

Yours Truly,



Kevin E. Herriott #313862

D-Dorm cell #57-RH1

Kirkland Correctional Institution

4344 Broad River Road

Columbia, South Carolina 29210

cc: 11 William Blitch, Jr., Esq.

Keith E. Herriott, #313862
D-DOEM cell # 57-RHU

Mailroom

Kirkland Correctional Institution

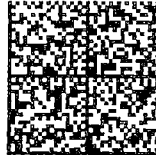
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