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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Docket No. 19-ALJ-15-0039

AUG 05 2020

SC 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, 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 Honorable Court to ENLARGE the time for which Appellant currently has in order to file his Final Brief and Designated Matter.

Currently, Appellant's Final Brief and Designated Matter is due to be filed on or before August 3, 2020, Appellant seeks an Order granting him additional time of up to ninety (90) days, or any other adequate time that this

Honorable Court may Grant under the circumstances. The Appellant would respectfully show this Honorable Court the following, as to why he still needs additional time and why Appellant does not believe that the customary grant of thirty additional days would not be sufficient:

1. The Corona Virus situation within the South Carolina Department of Corrections, and specifically at Turbeville C.F. where Appellant ("Pettinato") is housed, is still an ongoing threat to Pettinato's health and safety, and especially since two (2) prisoners here at Turbeville have tested positive for the virus and they were housed in Pettinato's unit and Wing at the time they tested positive;

2. The Corona Virus and the ongoing shortage of staff have caused Pettinato to be DENIED anything that might be considered to be adequate access to the Law Library [and a typewriter] whereas Pettinato last used the Law Library in or about June 19, 2020 and has since that time been quarantined [locked in his cell] from on or about June 24, 2020 thru July 9, 2020, and again from July 14, 2020 thru July 28, 2020, and, currently is only permitted to leave the Unit to go to the Kitchen on weekdays;

3. Pettinato is also in an ongoing dispute with Gary Leamon, the A/W over Programs at Turbeville C.F., where A/W Leamon refuses [without any legitimate reason] to allow Pettinato to practice "social distancing" by placing him in an empty cell by himself that has been available since the day of the first quarantine, when Pettinato has explained time and time again that due to his age and underlying medical issues [COPD, Heart Disease for which he has a pace-maker, etc.], he should not be housed in a cell with another inmate, especially the current inmate who is released each day [even during the so-called quarantine] to assist CDC officers with feeding the other inmates, cleaning, sorting and handling laundry, etc., and is therefore able to mingle with the officers, and when he is placed back in his cell, he further causes Pettinato to be in fear for his life;

4. Pettinato's requests to gain access to the Law Library has been met with retaliation from A/W Gary Leamon whereas he threatens to place Pettinato in lock-up [for what he calls disrespect], threatens to move Pettinato to a Unit and cell where Pettinato may be exposed involuntarily to environmental tobacco and other smoke as he was prior to being moved to this Unit, and, the mere mention of the "Law Library" has otherwise caused Gary Leamon to walk away and ignore Pettinato's requests;

5. Pettinato files this Motion in Good Faith and not as a method of causing any unnecessary delays, and, the Respondent will not be prejudiced by the granting of this Motion by this Court;

6. Pettinato seeks up to ninety (90) days because it appears that the officer shortage is not going to cease any time soon and it appears that the Corona Virus is only getting worse and therefore anything that might even be considered to be "normal operations" for Turbeville C.J., will not occur, if it occurs at all, for at least ninety (90) more days;

7. Pettinato avers that he must have access to the Law Library, to include, but not limited to the South Carolina Appellate Court Rules and the West Law Database, and he must have access to a typewriter because of his arthritis in his hand and wrist that cause him substantial pain when he tries to write and which causes his writing to be what he believes to be barely legible;

8. Finally, Pettinato's partially completed typed Final Brief with cases that he has previously researched, are still in a desk in the Law Library and he is unable to even gain access to retrieve his documents, court cases

that he had researched and written down several months ago, and other typed documents related to this case,

9. I, Michael J. Pettinato, herein swear under penalty of perjury that the facts stated herein are true and correct and that those facts herein stated on information and belief are believed by me to be true.

WHEREFORE, Appellant prays that this Honorable Court Grant this motion and thereby extend the time for which Pettinato has to file his Initial Brief and Designated Matter, for 30 to 90 days, and that this Honorable Court GRANT any such other and further relief this Court deems fair and just.

Respectfully Submitted,

July 31, 2020
Turbeville, South Carolina

~~Michael J. Pettinato~~
Michael J. Pettinato, #218405
Turbeville C.I., 510B-150
1578 Clarence Coker Highway
Turbeville, SC 29162
Appellant, Pro Se

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SC Court of Appeals

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

July 31, 2020

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

RE: Michael J. Pettinato v. SCOPPS
Case No. 2020-000658
Motion To Enlarge

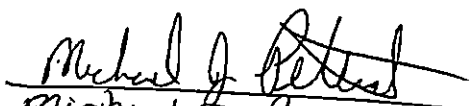
Dear Ms. Kitchings

Enclosed for filing, please find a Motion To Enlarge time for filing my Initial Brief and Designated Matter, and a copy of the documents that I would appreciate you file stamping and returning them to me for my records.

I also have enclosed a postage prepaid self addressed envelope.

Thanking you in advance for your assistance in this matter and praying that you remain safe during this pandemic.

Sincerely


Michael J. Pettinato

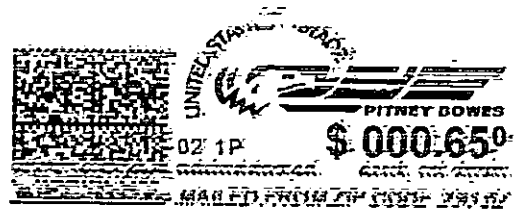
cc: File
Matthew C. Buchanan, Esq.

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TURBEVILLE, SC 29162

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SC Court of Appeals
SOUTH CAROLINA COURT OF APPEALS
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211



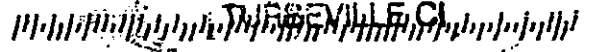
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