

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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AUG 24 2020

SC Court of Appeals

Appeal from the Administrative Law Court
The Honorable H.W. Funderburk, Jr. Administrative Law Judge
Docket No. 19-ALJ-15-0023-AP

Case No. 2019-002123

Jaquese Neely, #308317, APPELLANT,

v.

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

MOTION FOR RECONSIDERATION
AND FOR EXTENSION OF TIME

Appellant, Jaquese Neely, respectfully seeks that this Court would reconsider its decision to Dismiss this case at bar. Appellant further prays this Court would Grant an extension of time which would provide sufficient time for Appellant to prepare, serve, and file his Final Brief of Appellant.

Extraordinary Circumstances

Appellant filed a Motion For Extension Of Time To File Final Brief And Record On Appeal And Designation Of Matter, on or about March 27, 2020. This Court did Grant this motion and did provide Appellant an extension of 30-days to file his filings.

Appellant did subsequently file the Record on Appeal along with a Designation of Matter. However, Appellant was unable to submit his Final Brief due to inaccessibility of the institution's law library. (See Affidavit which was attached to the motion for Extension of Time which was filed on or about March 27, 2020. See also attached Affidavit of Pamela Sloss of SCDC which accompanies this motion sub Judice)

The Covid-19 pandemic has brought about great uncertainty especially at the Tiger River Correctional Institution, as this institution is the most affected in the State of South Carolina. As a result, there has been many sudden changes, shortage of staff, and misplacement and displacement of prisoners.

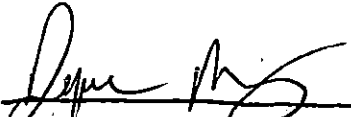
Appellant has been moved as a result and consequently documents and filings have been misplaced. Appellant has also himself been infected with Covid-19 and has been affected and thrown off balance and course due to such as he has been unable to access any assistance in advancing this Case, placed on quarantine, moved in unfamiliar habitation, and property and case filings scattered. As the attached Affidavit will confirm, Appellant has remained, and continues to remain without access to law library and legal necessities.

This uncertainty, sickness, and truly discombobulating

affects and effects of COVID-19 here at this institution; has caused Appellant to not be 100% sure that he has or has not filed the Final Brief, Record and Designation.

CONCLUSION

WHEREFORE, APPELLANT prays this Court would reconsider its decision to Dismiss this Appeal, and would rather reinstate this case and further provide and allow Appellant equitable time and opportunity to file his Final Brief or in the alternative, proceed in this Court's ruling and adjudicating this case on the merits rather than procedural default or bypass.

Respectfully submitted, 
Jaquese Neely, #308317
APPELLANT

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 20th day of August, 2020.

James Bates (C005367)

From: Pamela Sloss (C059571)
Sent: Wednesday, August 5, 2020 9:33 AM
To: James Bates (C005367); Jonathan Nance (C026656)
Subject: Law Library Computers

The law library computers have been down since February 19, 2020. Since then, the Covid-19 pandemic state of emergency has taken place in South Carolina, and the law library computers are still down as of August 5, 2020.

Pamela Sloss
Library Media Specialist
Tyger River Correctional

Sent from my Verizon, Samsung Galaxy smartphone.

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South Carolina Department of Probation
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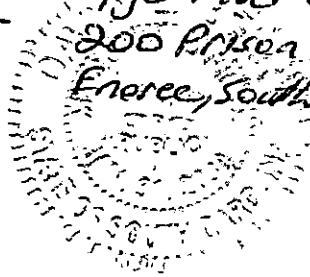
CERTIFICATE OF SERVICE

I, Jacquese Neely, hereby certify that I have served the Motion For
Reconsideration And For Extension Of Time, and Affidavit of Pamela
Stoss - Library Media Specialist, upon Respondent by placing a copy
of the same inside of a postage prepaid envelope, and placing
said envelope in the hands of Tiger River Correctional Institution
mail room personnel on this 20 day of August, 2020,
for mailing via the United States Mail, addressed as follows:
Matthew C. Buchanan, Esquire, S.C. Department of Probation, Parole
and Pardon Services, 2221 Devine St., Suite 600, PO Box 50666,
Columbia, South Carolina 29250.

Sworn and subscribed before me
this 20 day of August, 2020

James C. Berry
Notary Public for South Carolina
My Commission Expires: 1/31/32

Jaquese Neely, #308317
Tiger River Correctional Institution
200 Prison Road
Enerce, South Carolina 29335



August 20, 2020

Jaquese Neely, #308317
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Jenny A. Kitchings
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Jaquese Neely, #308317 v SCDPPPS
Appellate Case No. 2019-002123

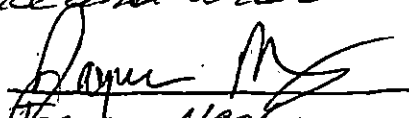
Dear Honorable Clerk:
ATTENTION!!

I have not been able to produce copies of the enclosed documents, (Motion for Reconsideration, And For Extension Of Time, Affidavit of Pamela Sloss - Library Media Specialist, and Certificate of Service) for service of Respondent in this case, now that I be provided file-stamped copies from your office.

Please accept the enclosed for filing, Please serve a copy of the same on Respondent and please provide me file-stamped copies of the same.

I am under quarantine, the institution is most affected in South Carolina. Please excuse my inability to submit according to Rule of SCACP at this time. (See attached Affidavit)

Thank you for your assistance and understanding.

Sincerely, 
Jaquese Neely

August 20, 2020

Jaquese Neely, #308317
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Jenny A. Kitchings
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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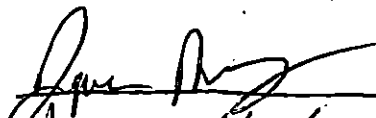
RE: Jaquese Neely, #308317 v SCDPPPS
Appellate Case No. 2019-002123

Dear Honorable Clerk:

Enclosed, please find for filing, the Motion For Reconsideration And For Extension Of Time, Affidavit of Pamela Sloss - Library Media Specialist, and Certificate of Service for the same.

Please find also enclosed, one additional copy of these said documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these said documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely, 
Jaquese Neely, #308317
APPELLANT

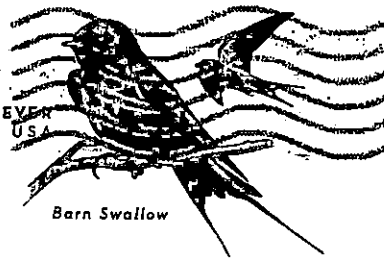
cc: Matthew C. Buchanan, Esquire.

Jaquese Neely, #308317
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

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The Honorable Jenny A. Kitchings
S.C. Court of Appeals
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