

STATE OF SOUTH CAROLINA)
County of Greenville)

S.C. SUPREME COURT
APPEAL FROM COURT OF
COMMON PLEAS

Tony T. SWEET,)

\$4,399.35 Appellate,)

v.)

PETITION FOR NOTICE
OF APPEAL

The State,)

2020-CP-23-05015

Respondent.)

The Appellate, Tony T. SWEET, hereby moves upon this Honorable Court to Appeal The Order and Judgment From the Greenville County Solicitors Office.

The Solicitors Office has ordered "ADJUDGED AND DECREED" against Appellate alleging DEFAULT by an untimely Answer, Notice of Appearance, Motion or pleading. This Appeal follows:

At this time the Appellate will show:

- 1). That he made a timely filing;
- 2). That he hand delivered his "ANSWER TO COMPLAINT" to the jail administration on December 4, 2020;
- 3). That once mail is placed into the hands of administration, he no longer have any control of mail;
- 4). That he can't control the amount of mail that floods the post office during the month of DECEMBER;
- 5). That The Order OF Entry OF DEFAULT AND FORFEITURE WAS DELIVERED TO Appellate By OFFICER Thompson approximately 9:00 Am, Jan. 5, 2020;
- 6). That November 26, 2020 was a Holiday.

RECEIVED

JAN 19 2021

S.C. SUPREME COURT

The Appellate alleges that he made a timely filing of his "ANSWER TO Complaint" by hand delivery his "ANSWER" to the appropriate jail administrator, self addressed to the Greenville County Clerk of Court on December 4, 2020.

Once mail is placed into the floor officers hand, the Appellate has no control as to how or when the officer gets his mail into the mail box or to the post master. Furthermore, it is well known that the post office is overly exhausted with mail during the month of November and December, leading up to the holidays and taking into effect Covid-19.

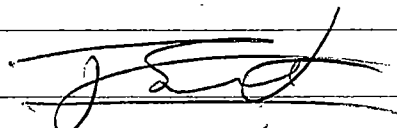
The month of November also has its own holiday (Thanksgiving), which fall within the time frame of the 30 day allotted time. The Appellate received a copy of the "Summons" on 11/05/2020; Therefore, 11/05/2020 is excluded and the day of counting does not began until November 6, 2020. So, If you start the count from 11/06/2020 and excluded November 26, (Thanksgiving), then the December 7, 2020 post mark is suffice.

HOWEVER, the focus remains on the jail administration to deliver or post mail in the mailbox in a timely manner. Officer Bailey of the jails mailroom has stated that mail coming to and from the jail is late or behind and per a phone call to the jail, the Court can contact the jail for verification. The Order of Default itself has a post mark date of 12/28/2020, was electronically filed 12/07/2020 and was not delivered until 01/05/2021 by Officer Thompson.

CONCLUSION

Wherefore, the Appellate request that this Court grants him a right to Appeal and Order the appropriate Court to hear the issue.

January 5, 2021
Greenville, SC


Appellate