

THE SUPREME COURT OF SOUTH CAROLINA
In The Supreme Court

RECEIVED
FEB 22 2021
SC Court of Appeals

WILLIE YOUNG.....PETITIONER

V.

THE STATE.....RESPONDENT

MOTION FOR
FOR REINSTATEMENT
FROM CLERK ORDER OF
DISMISSAL

CASE NO. 2021-000056

COMES NOW, the above named petitioner in the above referenced matter, according to rule 260(a) SCARC, showing good cause to reinstate this proceeding.

ORDER, of dismissal by clerk of the supreme court was error. -order ATTACH-1

A. On FEBRUARY 12, 2021 the clerk of the Supreme Court served upon this petitioner an order of dismissal in this matter, signed February 10, 2021. The dismissal by the Clerk's order specifies the/this petitioner failed to serve his petition for writ of certiorari on the respondent within thirty(30) DAYS AS REQUIRED by rule 242(c) SCACR,.....the petitioner strongly objects to this dismissal on the ground of it being untimely!

A(1)

Petitioner is both a pro-se litigant and incarcerated prisoner in s.c.d.c., and upon notice by the S.C.COURT OF APPEALS on December 21, 2020 of denial, petitioner, by Institutional Mailroom Record, mail his petition for writ of certiorari to the Clerk of the Supreme Court on JANUARY 13, 2021, and attest as a pro-se litigant in good faith, also provided The Honorable Jenny Abbot Ritchings a copy of petition, 'misinterpreting' Mrs. Abbot as the "sole" respondent. Attach. 2

However, on January 21, 2021 notice to petitioner indicated the petition was filed by the Clerk. Attach. 3

On January 25, 2021 the Clerk provided petitioner with notice, indicating a deficiency in the petition, specifically, he failed to provide proof of service to both Joshua Abraham Edwards and David Micheal Pascoe. Attach. 4

(2)

The order exacted TEN(10) DAYS.....requiring petitioner to serve proof of service on respondents by FEBRUARY 4, 2021

Petitioner corrected the deficiencies February 1, 2021 by depositing his petition in the U.S. Mail. Attach. 5

RULES OF THE COURT

Rule 262(a)(2), SCARC states; " the date of filing shall be the date of delivery or the date of mailing.

Adhering to this rule petitioner shows with cause , evidence he filed this petition JANUARY 13, 2021. Attach. 2

(3)

Clerks order was erroneous based on it being untimely. As noted january 20, 2021 was the thirty(30)DAY deadline, however, rule 6(e) SCACR, mandates " AN ADDITIONAL FIVE(5)DAYS to take action within a ' prescribed period' after being served by mail. Afforded by this rule, petitioner's prtition would be required to be filed by JANUARY 25, 2021, not January 20, 2021 as this erroneous order obcrves.

Petitioner showed good faith by diligently forwarding his petition for writ of certiorari in the U.S. Mail prior to the thirty (30) days mandated by the rules of the court and further was entitled to the five(5) MAILING days allowed by rule.

CONCLUSION

Clerk of the Supreme Court(s) order is prejudicial to this petitioner because it denies him a rule mandated by the courts. Under the present pandemic our mail sevices are not as efficient due to safety protocol's, but in any event the petitioner has no control when the mail was delivered, but met with diligence by way of record , he abided by rules of this court. Petitioner, humbly ask's of this court that this matter be reinstated for rule to be made by this court as it overall is a deprivation of life and liberty.

/s/ Willie Young

DATE; 2/16/21

- CC; ALAN WILSON
Joshua Abraham Edwards

David Micheal Pascoe

Jenny Abbot Kitchings

Attach. 1

The Supreme Court of South Carolina

The State, Respondent,

v.

Willie Young, Petitioner.

Appellate Case No. 2021-000056

ORDER

Petitioner has failed to timely serve the petition for a writ of certiorari on the respondent within thirty days after the petition for rehearing or reinstatement was finally decided by the Court of Appeals, as required by Rule 242(c) of the South Carolina Appellate Court Rules.¹ Accordingly, the petition for a writ of certiorari is dismissed.

FOR THE COURT

BY


DEPUTY CLERK

Columbia, South Carolina
February 10, 2021

¹ In response to the Deputy Clerk of Court's January 25, 2021 deficiency letter requesting proof of service of the petition for a writ of certiorari, petitioner filed a proof of service indicating he served the petition on counsel for the respondent on February 2, 2021. The Court of Appeals denied the petition for rehearing on December 21, 2020; therefore, the petition for a writ of certiorari was required to be served on counsel for the respondent by January 20, 2021.

cc:

Alan McCrory Wilson, Esquire

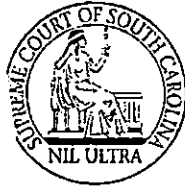
Joshua Abraham Edwards, Esquire

David Michael Pascoe, Jr., Esquire

Willie Young, III, 285487

The Honorable Jenny Abbot Kitchings

Attached-3



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
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1231 GERVAIS STREET
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TELEPHONE: (803) 734-1080

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www.sccourts.org

January 21, 2021

Willie Young, III, 285487
Kershaw Correctional Institution
4848 Gold Mine Hwy
Kershaw SC 29069

Re: The State v. Willie Young.
Appellate Case No. 2021-000056

Dear Petitioner,

This Court has received your Petition for Writ of Certiorari, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 242 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=932.

Please note that the responsibility for ensuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Finally, any request for any extension in this case must comply with this Court's Order dated July 16, 2014. This order is available at <https://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-07-16-01>.

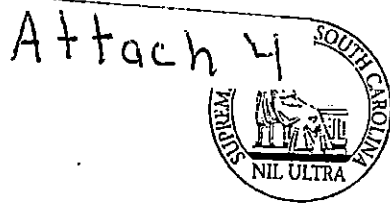
Very truly yours,

A handwritten signature in black ink, appearing to be the initials 'JBN' with a stylized flourish.

DEPUTY CLERK

cc:

Joshua Abraham Edwards, Esquire
David Michael Pascoe, Jr., Esquire
The Honorable Jenny Abbot Kitchings



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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January 25, 2021

Willie Young, III, 285487
Kershaw Correctional Institution
4848 Gold Mine Hwy
Kershaw SC 29069

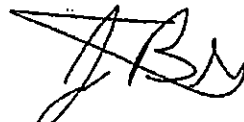
Re: The State v. Willie Young
Appellate Case No. 2021-000056

Dear Mr. Young:

Upon reviewing your petition for writ of certiorari and appendix, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- You have failed to provide proof of service of the petition for a writ of certiorari on opposing counsel as required by Rule 242(c), SCACR.

Very truly yours,



DEPUTY CLERK

cc:

Joshua Abraham Edwards, Esquire

David Michael Pascoe, Jr., Esquire

PROOF OF SERVICE

I, WILLIE YOUNG, attest that a copy of the aforementioned matter was served on;

ALAN MCRORY WILSON

p.o. box 11549

cols, s.c. 29211

joshua abraham edwards

p.o. box 11549

cola s.c. 29211

Supreme Court clerk

PO box 11330

Cola S.C. 29211

david micheal pascoe

151 docket st.

orangeburg s.c. 29115

jenny abbot kitchings

p.o. box 11629

cola s.c. 29211

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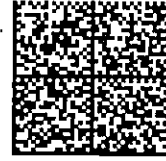
SC Court of Appeals

1/s/ Willie Young

DATE; 2/16/21

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FEB 18 2021

29211
COLA S.C.
PO BOX 11629
JERRY ABBOT KITCHINGS



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 000.20⁰⁰
0000880247 FEB 17 2021
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SC Court of Appeals

FEB 22 2021

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108 629181252



29069
KESHAW S.C.
4848 Goldmine Hwy

WILLIE Y
JAMES
285487