

2-24-2021
11:15 - Time

To:
Suprem Court Clerk

c/o

RECEIVED

Feb 24 2021

S.C. SUPREME COURT

Willie Young

285-487

case no: #

2021 - 000056

THE SUPREME COURT OF SOUTH CAROLINA
In the Supreme Court

HILLIE YOUNG, PETITIONER

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 dissal 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 Kitchings 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 delivering 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 observes.

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 sevicees 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.

1/3/ Willie Young

DATE: 2/16/21

CC: ALAN WILSON
Joshua Abraham Edwards

David Micheal Pascoe

Penny Abbot Kitchings

PROOF OF SERVICE

I, WILLIE YOUNG, attest that a copy of the aforementioned document was served on:

ALAN MURPHY WILSON
p.o. box 11549
cola, s.c. 29211

Joshua Abraham Edwards
p.o. box 11549
cola s.c. 29211

Supreme court clerk
p.o. box 11330
CALA, S.C. 29211

David Micheal Pascoe
151 docket st.
Orangeburg s.c. 29115

Jenny abbot kitchings
p.o. box 11629
cola s.c. 29211

/s/ Willie Young

DATE: 2/16/21

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

¹In response to the Deputy Clerk of Courts January 25, 2021 deficiency letter regarding proof of service of the petition for a writ of certiorari, petitioner provided proof of service indicating he served the petition on counsel for the respondent on January 2, 2021. The Court of Appeals denied the petition for rehearing on January 14, 2021; therefore, the petition for a writ of certiorari was due to be served on counsel for the respondent by January 20, 2021.

cc:
Aimee McCoy Wilson, Esquire
Joshua Abraham Edwards, Esquire
David Michael Pascoe, Jr., Esquire
Willie Young, III, 285487
The Honorable Jenny Abbot Kitchings

301000100

11030000

ATTACHED-2

AGREEMENT TO DEBIT F.H. COOPER ACCOUNT

Inmate's Name: <i>Yancy Williams</i>	SCDC #: <i>285487</i>	Housing Unit: <i>0857</i>	Date: <i>2/24/21</i>
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GENERAL MATERIAL

** Inmate must have the funds in his/her account to pay for the materials.

To be completed by SCDC staff

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Tape		
Box		
Electronic Repair		
Other		
Sub-Total:		

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by SCDC staff

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Other		
Sub-Total:		

*① Clerk of Supreme Court
1231 Airways St.
Columbia SC 29201
interoffice*

*② Clerk of Supreme Court
PO Box 11029
Columbia SC 29211
interoffice*

*③ Clerk of Supreme Court
1231 Airways St.
Columbia SC 29201
interoffice*

*④ Clerk of Supreme Court
1231 Airways St.
Columbia SC 29201
interoffice*

PHOTOCOPIES

** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01-03(OP), "Inmate Access to the Courts." To determine if inmate may receive copies with/without funds.

To be completed by SCDC staff

Item	Amount	Cost
Photocopies		
Sub-Total:		

Attached - 3



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11828
COLUMBIA, SOUTH CAROLINA
29211
1251 DENVALE STREET
COLUMBIA, SOUTH CAROLINA 29901
TELEPHONE (803) 734-1000
FAX (803) 734-1496
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