

STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

APR 10 2013

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**S.C. Supreme Court**

Kristi Lea Harrington, Circuit Court Judge

Opinion No. 2013-UP-034 (S.C. Ct. App. Filed January 16, 2013)

Clark D. Thomas, ..... Petitioner,

V.

Bolus & Bolus  
Attorneys Keith Bolus, Officially  
Michael T. Bolus, Officially  
and Individually, ..... Respondent.

**MOTION FOR TIME EXTENSION**

Pursuant to Rules 240 and 263(b), SCACR, Clark D. Thomas, *pro se*, Petitioner in the above-captioned *Appeal*, respectfully seeks that this Court extend the time to file his *Petition for Writ of Certiorari* by 30 days. This *Motion* is based on one or more of the following grounds:

## INTRODUCTION

This matter comes before this Court in the interest of an *Appeal* filed by Thomas on June 22, 2011, seeking relief from an *Order* of dismissal handed down by the circuit court in a legal malpractice action. On January 16, 2013, an *Opinion* was filed in the Court of Appeals affirming the lower court's ruling. On January 31, 2013, Thomas filed a *Petition for Rehearing En Banc* which the Court of Appeals denied on March 12, 2013.

### I.

#### *Pro Se Litigant*

The United States Supreme Court has consistently held that they “do not impose on persons unlearned in the law the same high standards of the legal art that they might place on the members of the legal profession.” Pollard v. United States, 352 U.S. 354, 363 (1957). *Pro se* litigants are held “to less stringent standards than formal pleadings drafted by lawyers.” Haines v. Kerner, 404 U.S. 519, 523 (1972). “As a *pro se* litigant, the Plaintiff’s pleadings are accorded liberal construction, and held to a less stringent standard than formal pleadings drafted by lawyers.” (Emphasis added). Erickson v. Pardus, 551 U.S. 89, 94 (2007); Gordon v. Leeke, 574 F.2d 1147, 1151 (4<sup>th</sup> Cir. 1978). “When the United States Supreme Court enunciates a rule based upon the Fourteenth Amendment, that rule is binding upon state courts through the *Supremacy Clause*.” (Emphasis added). Keeler v. Mauney, 500 S.E.2d 123, 125 (S.C. App. 1998) (citing Henry v. City of Rock Hill, 376 U.S. 776 (1964)).

II.

Extraordinary Circumstances

Thomas is currently in the custody of the South Carolina Department of Corrections (SCDC) at the Broad River Correctional Institution (BRCI) in Columbia, S.C. Therefore: in order for Thomas to fully conform to the *Rules of Court* and develop professionally written instruments, he (1) must exchange rough drafts with his mother, Carol Ann Cook, by U.S. Mail and is subject to varied delays of delivery, (See p. 4—Affidavit-Exhibit A); and (2), the further adversity Thomas is subjected to by virtue of his incarceration in the timely filing of documents is exacerbated by the impact of awaiting the delayed delivery of mail by the prison mailroom.

Moreover: Thomas is concurrently a *pro se* litigant in the Court of Appeals in the case of *Thomas v. Crowley*, Appellate Case No. 2012-213714, and is under time constraints to file his *Initial Brief and Designation of Matter* therein.

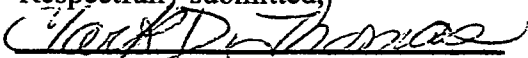
III.

Prayer for Relief

In light of these facts, this Court is respectfully asked to grant Thomas a 30-day extension of time to file his *Petition for Writ of Certiorari*.

**WHEREFORE**, Petitioner prays this Court grant the relief requested; and, for such other relief as this Court deems proper.

April 10., 2013  
Columbia, SC

Respectfully submitted,  
  
Clark D. Thomas #187845  
BRCI / Moultrie A-2087  
4460 Broad River Road  
Columbia, SC 29210

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**AFFIDAVIT  
OF  
CAROL ANN COOK**

---

**NOW COMES** Carol Ann Cook, and states, under oath, the following pursuant to Rule 240(c)(3), SCACR:

1. Clark D. Thomas, Petitioner in the above-captioned *Appeal*, is my son. I convert handwritten rough drafts delivered by U.S. Mail from Clark into documents that comply with the South Carolina Appellate Court Rules (SCACR). I thereafter return documents via U.S. Mail to Clark.

Further affiant sayeth naught.

SUBSCRIBED AND SWORN TO before me

This 10<sup>th</sup> day of April, 2013

Shirley Lee Jullaw (L.S.)

Notary Public for South Carolina

My Commission Expires: 3.22.20



Carol Ann Cook  
202 Shadowfield Drive  
West Columbia, SC 29169  
803.939.8430

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**AFFIDAVIT  
OF  
CLARK D. THOMAS**

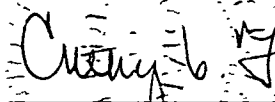
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**NOW COMES** Clark D. Thomas, Petitioner in the above-captioned *Appeal*, and states, under oath, the following pursuant to Rule 240(c)(3), SCACR:

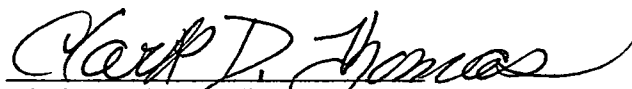
1. The facts I have stated by virtue of this *Motion* are true and correct to the best of my knowledge and belief.

Further affiant sayeth naught.

SUBSCRIBED AND SWORN TO before me  
This 10<sup>th</sup> day of April, 2013

  
Cheryl L. Fullan (L.S.)

Notary Public for South Carolina  
My Commission Expires: 3.22.20

  
Clark D. Thomas #187845  
BRCI / Moultrie A-2087  
4460 Broad River Road  
Columbia, SC 29210

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the document listed below has been sent by U.S.

Mail to:


Carlock, Copeland & Stair, LLP  
40 Calhoun St., Ste. 400  
Charleston, SC 29401; and,

Michael T. Bolus, Esquire  
2127 Dorchester Rd.  
N. Charleston, SC 29405.

The Honorable Jenny Kitchings  
Clerk of Court  
South Carolina Court of appeals  
P.O. Box 11629  
Columbia, SC 29211

1. *Motion for Time Extension.*

*April 10*, 2013  
Columbia, SC

  
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N. Charleston, SC 29405.

Daniel E. Shearouse  
Supreme Court of South Carolina  
P. O. Box 11330  
Columbia, South Carolina 29211

1. *Motion for Time Extension.*

April 10, 2013  
Columbia, SC

  
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