

The Supreme Court of South Carolina

Cedric Clinkscales,
Petitioner

Motion Requesting
forgiveness for
Procedural Default

V.

state of South Carolina,

Respondents

RECEIVED

OCT 12 2021

S.C. SUPREME COURT

Appellate Case No. 2020-001594

Lower Court Case No. 2008CP0402468

Petitioner respectfully asks that this Honorable Court, forgive my procedural Default due to extraordinary circumstances that were beyond the Petitioner's control

- (1) Based on the Covid-19 Pandemic,
- (2) Institutional Lockdowns, and
- (3) Waiting on a response from the Respondents.

The S.C. Supreme Court issued an order of forgiveness of Procedural Defaults since March 13th 2020, due to the Covid-19 Pandemic.

On January 19, 2021 by order of the Court, Petitioners Appeal was dismissed, under the following court Rules. Rule 243(b) of SCACR; Rule 203(d)(1)(B), scACR; Failure to timely file Notice of Appeal with the Clerk of the Appellate Court within 10 days after the Notice of Appeal is served, and Rule 207(a) SCACR (requiring filing of proof that the transcript was ordered within 10 days after the date of service of the Notice of Appeal.

Petitioner, can only state that in an effort to comply with the scACR. I have always mailed out my Notice of Appeal or any other document to the Clerks of Court and Respondents on the same day at the mailroom. I had requested that only the PCR transcript be required, however the Respondents never answered that request.

As a result I (Petitioner) did not or had not yet filed proof of ordering transcript.

Conclusion:

As evidenced by the Court's Order Petitioner's Appeal was dismissed based on Procedural Default, this makes this Appeal a prime candidate for this Court's Order on forgiveness. Petitioner prays that this Court will order an Order of Forgiveness and give the Petitioner an opportunity to have the merits of his appeal heard and thereby give me the one complete bite of the apple that I am entitled to.

October 5, 2021