

THE STATE OF SOUTH CAROLINA
IN THE COURT of Appeals

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DEC 02 2021

SC Court of Appeals

APPEAL FROM YORK COUNTY
COURT OF GENERAL SESSIONS
William A. McKinnon, Chief Judge

Appellate Case No. 2021-001280

STATE OF SOUTH CAROLINA,

Respondent,

v.

ANTONIO GORDON,

Appellant.

Motion to Supplement Filings and to Proceed with Appeal

Now Comes, Antonio Gordon, Pro Se, move before this Court on a Motion to Proceed With Appeal. The Appellant in the above-captioned matter filed a motion to vacate conviction and sentence on September 9th, 2021 the trial court summarily dismissed the motion without a hearing in an order dated October 13th, 2021, and filed October 18th, 2021, and received by the Appellant on October 26th, 2021 issued by the Honorable William A. McKinnon. The Appellant served his Notice of Intent To Appeal on October 26th, 2021 and served the York County General Sessions Court Clerk of Court, Walter William Thompson, Sixteenth Judicial Circuit Solicitor and Attorney General Alan Wilson, Esq. On November 15th, 2021 the Appellant received in the mail from the Clerk of Court a letter order instructing the Appellant to provide proof that the notice of appeal was filed with the York County Clerk of Court.

Appellant learn for the first time on November 15th, 2021 after speaking with a Clerk personnel in the York County Clerk of Court office that the Clerk of Court did not receive a copy of Appellant's Notice of Intent to appeal that was mailed on October 26, 27, 2021 hereto attached a copy of the Notice of Appeal and Proof of service was mailed to the Clerk of Court and all Respondents in 3 separate envelopes. Attachment (a) **(original proof of service)**. Appellant contends that extraordinary circumstances exist that warrant the Court to grant Appellant's Motion to supplement filings and To Proceed With Appeal. Appellant is aware that Rule 203 requires the Appellant to serve a notice of appeal "within ten (10) days after receipt of written notice of entry of the order or judgment." Rule 203(b)(2), SCACR (emphasis added). The rule requires the State file the notice "with the clerk of the lower court and the clerk of the appellate court within ⁵⁸⁷ten (10) days after notice of appeal is served." Rule 203(d)(2), SCACR (emphasis added). State v. Scott, 571 S.E.2d 700 (S.C. 2002).

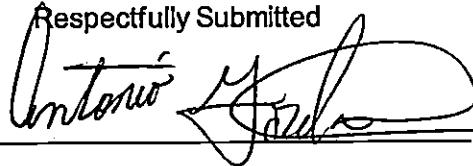
In this case Appellant asserts his appeal is timely as he did file his notice of appeal in the Appellate court jurisdiction and properly served the Respondent's. Id And far as the Clerk of Court of

York County not receiving a copy of the notice of appeal and the respondent being served with proof that the York County Clerk of Court was served, the Appellant asserts that his mail was either, lost or destroyed by prison guards whom are angry at the Appellant for blowing the whistle on a prison staff for asking the Appellant to put an hit on another inmate. There are no certain staff personnel pick up the mail in the housing unit the Appellant was housed in. Appellant asserts for evidence on his allegation, on 10/22/2021 Appellant was housed in RHU segregation for separation purposes about the prison staff asking Appellant to put a hit on another inmate, Appellant complained on the prison kiosk that his certified mail was open and the Appellant were missing documents and that someone forged his signal and that his legal mail should not have been sent to him through the regular mail. On 10/27/2021 someone from Kershaw C.I. wrote Appellant back and stated his concerns was being forward to the agency mailroom coordinator who oversees the institutional mailrooms. See **Attachment (c) (Prison Kiosk message)**. This issue has not been resolved. However, on 11/02/2021 Appellant was transferred from Kershaw prison to Ridgeland prison and upon arriving to Ridgeland prison the guards conducted a search of Appellant's property and the Appellant learn for the first time that he was missing over a 100 canteen food items, radio and other personal equipment in which Appellant has since filed an inmate grievance. See **Affidavit hereto attached by Gordon Attachment (b)**. It's clear evidence prison staff are angry with Appellant for blowing the whistle on the staff member. Through no fault of Appellant's own he failed to comply with the filing procedures announced in Rule 203 SCACR. Therefore, this court should grant Appellant's Motion to Supplement filings and proceed with the appeal as being timely filed.

Conclusion

It is respectfully asked that this Court find extraordinary circumstances exist and allow appellants to supplement filings and allow his appeal to proceed.

Respectfully Submitted



Antonio Gordon, #259798

Ridgeland C.I GA#27

5 Correctional Rd

Ridgeland, South Carolina 29936

Attachment (A)

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF Appeals

APPEAL FROM YORK COUNTY
COURT OF GENERAL SESSIONS
William A. McKinnon, Chief Judge

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SC Court of Appeals

1998-GS-46-2847;2849;2851

STATE OF SOUTH CAROLINA,

Respondent,

v.

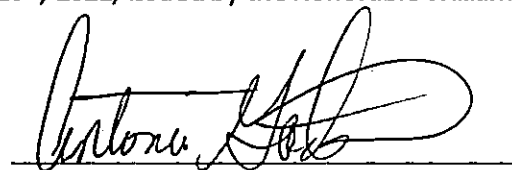
ANTONIO GORDON,

Appellant.

Notice OF Appeal

Antonio Gordon, appeals the order denying his Motion to Vacate Conviction and Sentence, filed on October 18th, 2021, and received by Gordon on October 26th, 2021, issued by the Honorable William A. McKinnon, Chief presiding judge.

This 27th day of October 2021.



Other Counsel of Record:

Antonio Gordon# 259798

Walter William Thompson, Sr, Deputy Solicitor

Kershaw C.I

Sixteenth Circuit Solicitor's office.

4848 Goldmine Hwy

1675-1A York Highway.

Kershaw, SC 29067

York, SC 29745

South Carolina Attorney General Office

Alan Wilson Attorney General

P.O. Box 11549. Columbia, S.C. 29211

THE STATE OF SOUTH CAROLINA

IN THE COURT of Appeals

APPEAL FROM YORK COUNTY

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William A. McKinnon, Chief Judge

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~~-1998-GS-46-2847;2849;2851~~

STATE OF SOUTH CAROLINA,

Respondent,

v.

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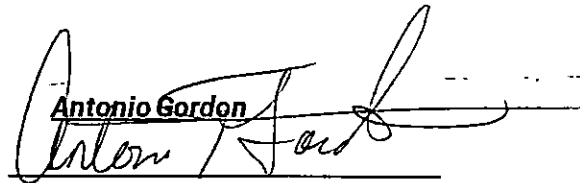
Appellant.

Certificate of Service

The undersigned hereby certifies that one copy of Appellant's Notice of Appeal in the above entitled case has been served upon opposing counsel, Walter William Thompson, Sr, Deputy Solicitor 1675-1A York Hwy, York SC 29745, and Alan Wilson P.O. Box 11549. Columbia, S.C. 29211, by mailing in an envelope properly addressed with postage prepaid on this 26th day of October 2021.

York County General Sessions Clerk of Court

1675 York Hwy # 1G, York, SC 29745


Antonio Gordon

Kershaw C.I

4848 Goldmine Hwy

Kershaw, SC 29067

Attachment (A)

THE STATE OF SOUTH CAROLINA
IN THE COURT of Appeals

APPEAL FROM YORK COUNTY
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William A. McKinnon, Chief Judge

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Respondent,

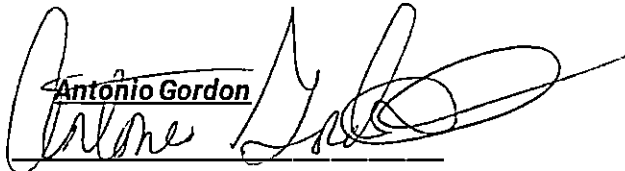
v.

ANTONIO GORDON,

Appellant.

Proof of Service

The undersigned hereby certifies that one copy of Appellant's Notice of Appeal in the above entitled case has been served upon opposing counsel, David Hamilton, York County General Sessions Clerk of Court 1675 York Hwy #1G, York, South Carolina 29745, by mailing in an envelope properly addressed with postage prepaid on this 26th day of October 2021.

Antonio Gordon


Kershaw C.I

4848 Goldmine Hwy

Kershaw, SC 29067

Antonio Gordon #259798
Ridgeland C.I. GA#27
5 Correctional Rd
Ridgeland, South Carolina 29936
November 26th, 2021

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RE: State v. Gordon

Dear Clerk:

Please find enclosed the Notice of Appeal with proof of service on all respondents on judge McKinnon order filed October 18, 2021. These documents were originally mailed on October 26, 27, 2021. After speaking with a Clerk on 11/15/2021 I learned for the first time your office never received it. I also enclosed a copy of the motion to supplement filings I am filing in the Appellate court along with attachments. Any further questions please contact me at the above address.

Respectfully Submitted

Antonio Gordon, #25979

THE STATE OF SOUTH CAROLINA

ATTACHMENT (b)

IN THE COURT of Appeals

APPEAL FROM YORK COUNTY

COURT OF GENERAL SESSIONS

William A. McKinnon, Chief Judge

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Appellate Case No. 2021-001280

STATE OF SOUTH CAROLINA,

Respondent,

v.

ANTONIO GORDON,

Appellant.

Affidavit of Antonio Gordon

I Antonio Gordon the Appellant in the above caption matter do hereby certify and declare that the following is true and correct:

- (1) That I did as standard protocols when assigned in room 80 of solitary confinement at Keeshaw Prison on October 26, 27, 2021 slid mail addressed to the York County Clerk of Court under the door. This mail contain Notice of appeal and proof of service served on the York County Clerk of Court, The Sixteenth Circuit Solicitor and the South Carolina Attorney General Office.
- (2) On November 15, th 2021. I learned for the first time that mail addressed to the York County Clerk of Court and the Court of Appeals that show proof of service that the York County Clerk of Court was served with a copy of the Notice of Appeal has been lost, misplaced and or destroyed by prison guards. when he was housed at Kershaw prison
- (3) I believe this to be true because I blew the whistle on a female staff for asking me to put a hit on another inmate Jabari Straws whom she had problems with.
- (4) I did recently on 10/21/2021 complained on the prison kiosk about my mail that was sent certified was signed for in my absence, and documents were missing and it was sent through regular mail instead of legal mail which is totally against policy and procedures. See Attachment (c)
- (5) I had to after arriving at Ridgeland C.I. on 11/2/202 file an inmate grievance on Kershaw prison staff for losing , destroying or giving away over 100 canteen food items, radio, bowl, and other personal items belonging to me during the time I was held in solitary confinement waiting to be transferred for blowing the whistle on the female staff.
- (6) I have been subjected to other cruel and unusual punishment for blowing the whistle on the prison guard which caused me to be separated from the staff at Kershaw and transferred to

Ridgeland C.I. Like for an example the prison staff who I blew the whistle on lied like I refused a major disciplinary hearing and I did not. I have since had that disciplinary conviction overturned on appeal in the administrative law court.

I Antonio Gordon declare under the penalty of perjury swear the following is true and correct.

Sworn to and sworn to before me 23 day of November, 202~~2~~³
Notary: Serenity Ferguson
Expo: 10-1-25

IS/ Antonio Gordon

Antonio Gordon#259798

Attachment (c)

Response Date: 10/27/2021 10:32 AM

Author: {c058106}

Mr. Gordon, I am moving your request into the Mail - Level 2 workflow so that it can be answered by the Agency Mailroom Coordinator who oversees the institutional mailrooms.

Original Request:

Request Date: 10/22/2021 3:45 PM

Type of Request: Mail

I need the name of the personnel that signed for my certified mail that came the week of 18th through 22 and I also need to know why did you send it through regular mail bc some documents are missing. Certified mail suppose to be signed by the inmate not forged by an scdc officials

THE STATE OF SOUTH CAROLINA

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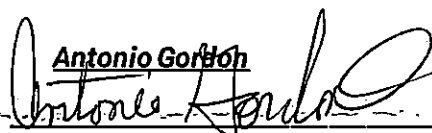
ANTONIO GORDON,

Appellant.

Certificate of Service

The undersigned hereby certifies that one copy of Appellant's Motion to Supplement filings and proceed with Appeal in the above entitled case has been served upon opposing counsel, Walter William Thompson, Sr, Deputy Solicitor 1675-1A York Hwy, York SC 29745, and Alan Wilson P.O. Box 11549. Columbia, S.C. 29211, York County General Sessions Clerk of Court, 1675 York Hwy # 1G, York, SC 29745

by mailing in an envelope properly addressed with postage prepaid on this 26th day of ~~October~~ ^{November} 2021.

Antonio Gordon


Kershaw C.I

4848 Goldmine Hwy

Kershaw, SC 29067

Antonio Gordon #259798
Ridgeland C.I. GA#27
5 Correctional Rd
Ridgeland, South Carolina 29936
November 26th, 2021

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SC Court of Appeals

RE: State v. Gordon Appellate Case No:2021-001280

Dear Jenny Abbott Kitchings:

Please be advised that I have complied with the letter order issued on November 9th, 2021 and received by the Appellant on November 15th, 2021. Also find enclosed a Motion to supplement filing and proceed with appeal. The opposing counsel has been served with a copy as well. Thanks in advance.

Respectfully Submitted

CC: Alan Wilson, Esquire

Walter William Thompson, Sr., Esquire

Melody Jane Brown, Esquire

LEGAL MAIL

59298

Mailroom
29211-162929

NOV 29 2021

MISSISSIPPI
INSTITUTION

Antonio Gordon, #259718
Ridgeland c.f. GA#27
Correctional Rd
Ridgeland, SC 29936

SC Court of Appeals

DEC 02 2021

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29 NOV 2021 PM 1

CHARLESTON SC 29403

Columbia, SC 29211

P.O. Box 11629

Jenny Abbott Kitchens Clerk
Southern Court of Appeals



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