

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Kristi Lea Harrington, Circuit Court Judge

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MAY - 9 2013
S.C. Supreme Court

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 requests that this Court extend the time to file his *Petition for Writ of Certiorari* by 60-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. On April 10, 2013, Thomas filed a *Motion for Time Extension* with this Court requesting an additional 30-days to file his *Petition for Writ of Certiorari*: the Chief Deputy Clerk, Brenda F. Shealy, filed an *Order* with this Court on April 11, 2013, granting an extension of time to May 13, 2013. This *Motion* follows.

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 (4th 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 remains in the custody of the South Carolina Department of Corrections (SCDC) at the Broad River Correctional Institution (BRCI) in Columbia, S.C. Therefore: prison mailroom delays persist to impede Thomas’ timely exchange of handwritten pleadings with his mother, Carol Ann Cook. In other words: (1) Mrs. Cook continues to convert Thomas’ rough drafts into professionally written documents that fully conform to the *Rules of Court*, (See p. 4—Affidavit-Exhibit A); and (2), in the case of *Thomas v. Crowley*, Appellate Case No. 2012-213714, Thomas is concomitantly drafting his *Initial Brief* and *Designation of Matter*.


III.


Prayer for Relief

In light of these facts, this Court is respectfully asked to grant Thomas a 60-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.

Respectfully submitted,


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


Columbia, SC, 2013

**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 17 day of May, 2013

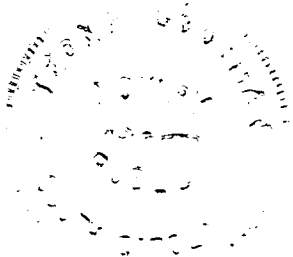
 (L.S.)

Notary Public for South Carolina

My Commission Expires: 3/25/23



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



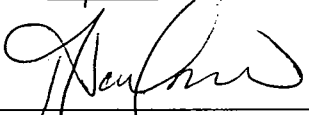
**AFFIDAVIT
OF
CLARK D. THOMAS**

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

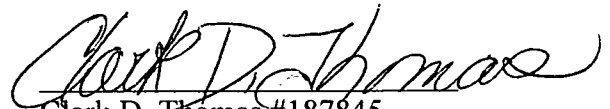
1. The facts I have stated by virtue of this *Motion* are true and correct to the best of my knowledge and belief.

Further affiant sayeth naught.

SUBSCRIBED AND SWORN TO before me
This 7 day of May, 2013

 (L.S.)

Notary Public for South Carolina
My Commission Expires: 3/25/23



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;


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

I personally delivered the document listed below to:

The Honorable Jenny Kitchens
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

1. *Motion for Time Extension.*

May 9, 2013
Columbia, SC


Carol Ann Cook
202 Shadowfield Drive
West Columbia, SC 29169
803.422.0693