

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT OCT 27 2022
Ralph King Anderson, III, Chief Administrative Law Judge SC Court of Appeals

ALC Case No. 22-ALJ-04-0113-AP
Appellate Case No. 2022-001331

William Cathcart # 249565,

Appellant

v.

South Carolina Department of Corrections

Respondent

APPELLANT'S RETURN TO MOTION TO STRIKE DESIGNATION OF MATTER

The Appellant William Cathcart, # 249565 file his return to motion to strike Designation of matter pursuant to Rule 210 (c) SCACR the Appellant avers that Motion to Strike should be denied. The Appellant's Sentencing Transcript complies with the requirements of Rule 209 (b) SCACR. The Sentencing Transcript is not irrelevant to the Appeal. Furthermore the Appellant did present relevant portions of the sentencing Transcript to the ALC. The Respondents concede in there brief that the Appellant did. However the ALC did not consider it in there ruling. Pursuant to Rule 210 (c), SCACR It explicitly say matter which was not presented to the lower court. The Appellant is not bringing a issue that was not ruled on. The portions of the transcript was presented. The Appellant is presenting a question of law that his appeal is supported in his sentencing transcript. The Appellate court review

questions of law de novo with no deference to the
Lower Court. See: Vanover v. State, 433 S.C. 31, 856 S.E. 2d. 160
Because the Appellant presented relevant portions of the sentencing
transcript to the ALC court and presents a question of Law
the Sentencing Transcript should be considered de novo.

Date: 10-24-22

Respectfully Submitted
William Cathcart
APPELLANT

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PROOF OF SERVICE

I, William Cathcart #249565 hereby certify that I have this 24th day of October 2022 mail a copy of the Return to Motion to Strike Designation of Matter to be included in the record on Appeal to the below mentioned. Service was made by U.S. mail in a properly addressed envelope postage prepaid.

William Cathcart
APPELLANT

Jenny A. Kitchings, Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC. 29211

Joseph R. Shakibanasab
Office of General Counsel
4444 Broad River Rd
Columbia, SC. 29221-1787

William Cathcart 294565
Macedougal CT M1B119
1516 Old Gilliland Rd
Bridgeville, SC 29472

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Jenny A. Kitchings, Clerk
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