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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court

Judge Ralph K. Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2022-000965

Joseph Kelsey.....Appellant,

v.

*South Carolina Department of Probation,
Parole, & Pardon Services*Respondent.

MOTION TO SUPPLEMENT DESIGNATION OF MATTER

Appellant, Joseph Kelsey (“Joe”), by and through his attorneys, hereby requests that this Court allow him to supplement his Designation of Matter to Be Included in the Record on Appeal, *Kelsey v. S.C. Dep’t of Prob., Parole & Pardon Servs.*, No. 2022-000965 (Ct. App. Oct. 12, 2022) to include his Notice of Appeal to the Administrative Law Court (“ALC”), *Kelsey v. S.C. Dep’t of Prob., Parole & Pardon Servs.*, No. 22-ALJ-15-0004-AP (Admin. L. Ct. Feb. 15, 2022).

The Notice of Appeal to the ALC was not initially included in the Designation of Matter because Joe’s arguments in his Initial Brief to this Court did not require citation to his Notice of Appeal to the ALC. All of the facts and arguments in Joe’s Initial Brief were supported by the documents included in his previously-filed Designation of Matter, as required by S.C. App. Ct. R. 210. Now, however, Respondent has contended in its Motion to Strike Brief of Appellant and Dismiss that Joe’s appeal should be dismissed because the claims that Joe raised in his Initial Brief

were not raised to the ALC. Consequently, it is necessary for Joe to prove in his Return to Respondent's Motion that the claims in his Initial Brief were presented to the ALC, which requires citation to those claims in his Notice of Appeal. Therefore, Joe respectfully requests that this Court permit him to amend his Designation of Matter to include his Notice of Appeal to the ALC.

Respectfully submitted,

/s/ Allison Franz

Hannah Freedman

Allison Franz

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Appellant’s Motion to Supplement Designation of Matter was served on opposing counsel by e-mail at the address provided in the Attorney Information System: Matthew.Buchanan@ppp.sc.gov. Service was made on November 1, 2022.

/s/Allison Franz

Allison Franz

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