

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold Administrative Law Judge

ALC Case No. 22-ALJ-04-0160-AP  
Appellate Case No. 2022-001560

Shaheen Cabbagestalk, #295567..... Appellant,

v.

South Carolina Department of Corrections..... Respondent.

**RESPONDENT’S MOTION TO STRIKE APPELLANT’S FINAL BRIEF AND  
EXTRANEIOUS FILINGS**

Respondent, South Carolina Department of Corrections (SCDC or Department), pursuant to Rule 240, SCACR, moves this Honorable Court for an order striking Appellant’s Final Brief and Extraneous filings.

Rule 211 of the SCACR governs final briefs. Section (b) of Rule 211 states:

**(b) Content:** The final brief(s) shall be identical to the brief(s) previously served under Rule 208, except for the following:

(1) *References to the Record.* The references in the initial brief shall be revised to indicate where the material appears in the Record on Appeal. These revised references may be in place of or in addition to the initial references, and shall be in the form indicated by the following examples: (R. p. 15, line 4) (R. p. 75, Lines 8-20) (R. p. 90, line 1-p. 101, line 14) (R. pp. 29-31).

(2) *Corrections of Typographical Errors and Misspellings.* The party may correct obvious typographical errors and misspellings which were contained in the initial brief. No other changes may be made.

Rule 211 (b) SCACR.

Here, Appellant's Final Brief does not comply with the Rule 211 (b) SCACR. Appellant's Final Brief is not identical to the Initial Brief Appellant filed on November 22, 2022. Appellant added jurisdiction as an issue to the "Statement of Issues on Appeal." Additionally, the Record on Appeal has yet to be filed and Appellant's brief contains no references to a Record on Appeal. Therefore, because Appellant's Final Brief does not comply with Rule 211 (b) SCACR, Respondent requests this Court strike Appellant's Final Brief.

In addition, Respondent moves to strike the extraneous filings which were filed contemporaneously with Appellant's Brief. Specifically, Respondent moves to strike the documents titled "Questions of law," "Request for Relief," and the SCDC document titled "Notice of Policy Exemptions." The SCAC Rules do not contain any provisions for such filings, and they are not proper. Appellant's extraneous filings were not part of Appellant's Initial Brief. Therefore, this Court should strike same.

WHEREFORE, Respondent moves this Honorable Court for an order striking the Appellant's Final Brief and Extraneous filings.

Respectfully submitted,



Joseph R. Shakibanasab, SC Bar No. 102825  
Staff Attorney  
Office of General Counsel  
S.C. Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
Phone: (803) 896-1278

*Counsel for Respondent*

Columbia, South Carolina  
March 8, 2023

**RECEIVED**

**Mar 08 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold Administrative Law Judge

ALC Case No. 22-ALJ-04-0160-AP  
Appellate Case No. 2022-001560

Shaheen Cabbagestalk, #295567.....  
Appellant,

v.

South Carolina Department of Corrections.....  
Respondent.

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I have served a copy of the foregoing *Motion to Strike Appellant's Final Brief and Extraneous* Filings upon Appellant by depositing a copy of same in the United States Mail, addressed to:

Shaheen Cabbagestalk, SCDC #295567  
Dorm-Room-Bunk: 2A-0196-A  
Evans Correctional Institution  
610 Highway 9 West  
Bennetsville, SC 29512

Columbia, SC  
March 8, 2023

Respectfully submitted,

Joseph R. Shakibanasab, SC Bar #102825  
S.C. Department of Corrections  
P.O. Box 21787  
Columbia, South Carolina 2922  
Phone: (803) 896-1278  
*Counsel for Respondent*



**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS  
*Safety, Service, and Stewardship*

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

**RECEIVED**

**Mar 08 2023**

**SC Court of Appeals**

March 8, 2023

*Via Email to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)*

The Honorable Jenny A. Kitchings  
Clerk of Court, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

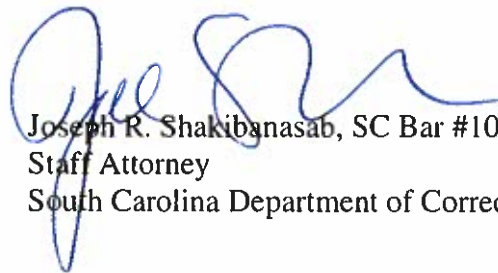
**RE: Shaheen Cabbagestalk, #295567 v. South Carolina Department of Corrections**  
**Appellate Case No. 2022-001560**

Dear Ms. Kitchings:

Enclosed, please find the Motion to Strike Appellant's Final Brief and Extraneous Filings in the above referenced matter along with the proof of service.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,



Joseph R. Shakibanasab, SC Bar #102825  
Staff Attorney  
South Carolina Department of Corrections

cc: Shaheen Cabbagestalk, #295567  
Dorm-Room-Bunk: 2A-0196-A  
Evans Correctional Institution  
610 Highway 9 West  
Bennettsville, SC 29512