

The South Carolina Court of Appeals

Shaheen Cabbagestalk, #295567, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2022-001560

ORDER

After careful consideration, Respondent's motion to strike Appellant's final brief and attached documents is granted. Within thirty days of the date of this order, Appellant must serve and file an amended final brief that complies with the South Carolina Appellate Court Rules. *See* Rule 211(b), SCACR ("The final brief(s) shall be identical to the brief(s) previously served under Rule 208, except . . . [t]he references in the initial brief shall be revised to indicate where the material appears in the Record on Appeal" and "[t]he party may correct obvious typographical errors and misspellings which were contained in the initial brief").

Moreover, Appellant's record on appeal, filed March 20, 2023, is stricken. Within thirty days of the date of this order, Appellant shall file an amended record on appeal that complies with the South Carolina Appellate Court Rules. *See* Rule 210, SCACR (providing for the content and format of the record on appeal and stating the record "shall include all matter designated to be included by any party under Rule 209" and "shall not . . . include matter which was not presented to the lower court").

Appellant's motion to strike Respondent's initial brief and designation of matter as untimely is denied. Appellant refers to this court's letter of January 20, 2023, in which the court notified Respondent that its initial Respondent's brief and designation of matter were overdue and gave Respondent ten days to file the items. However, Respondent filed them less than ten days later, on January 27, 2023.



FOR THE COURT

Columbia, South Carolina

cc:
Shaheen Cabbagestalk, 295567
Joseph R Shakibanasab, Esquire

FILED
Apr 19 2023