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Apr 26 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, *Chief Administrative Law Judge*

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

William Cathcart, # 249565,..... Appellant,

v.

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

**MOTION TO REQUIRE APPELLANT TO FILE A CORRECTED RECORD ON
APPEAL**

Comes now Respondent, through undersigned counsel, and requests that this Court require Appellant to file a corrected Record on Appeal. The relevant facts supporting this request are as follows.

On March 8, 2023, this Court reinstated this appeal and ordered that Appellant file an amended record on appeal with only Respondent’s designated documents. Cathcart vs. S.C. Dep’t. of Corr., (S.C. Ct. App. Order Dated March 8, 2023). In attempting to prepare Respondent’s Final Brief, undersigned counsel realized that Appellant’s Record on Appeal fails to contain documents designated in Respondent’s Designation of Matter. Respondent designated “Administrative Law Court filings,” which includes the Record on Appeal which was filed in the Administrative Law Court (“ALC”). The Record on Appeal in the ALC contained Appellant’s sentencing sheets,

conviction inquiry screens, Appellant's maxout date calculation worksheet, and also the Laurens County Detention Center jail time report among other documents. These documents are highly relevant as the underlying issue is whether Appellant's sentence calculation is correct.

Because Appellant has not filed a proper Record on Appeal as Ordered by the Court on March 8, 2023, Respondent cannot file a proper Final Brief of Respondent with correct record references, and this Court cannot properly consider the case. Accordingly, Respondent respectfully requests that this Court require Appellant to file a corrected Record on Appeal as described above. Respondent further requests that this Court hold the time period for any filings in abeyance pending resolution of this motion.

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
April 26, 2023

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Appellate Case No. 2022-001331

William Cathcart, # 249565..... Appellant,

v.

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

PROOF OF SERVICE

Undersigned counsel hereby certifies that on today's date he mailed a copy of the Respondent's **Motion to Require Appellant to File a Corrected Record on Appeal** to Appellant, addressed as follows: William Cathcart, #249565, Dorm-Room-Bunk: W2-0003-T, Manning Correctional Institution, 502 Beckman Road, Columbia, SC 29203-3173.

Joseph R. Shakibanasab, SC Bar No. 102825
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April 26, 2023

Counsel for Respondent



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

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SC Court of Appeals

OFFICE OF GENERAL COUNSEL

April 26, 2023

Via Email to 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: William Cathcart, #249565, v. South Carolina Department of Corrections
Appellate Case No. 2022-001331

Dear Ms. Kitchings:

Enclosed, please find the Respondent's **Motion to Require Appellant to File a Corrected Record on Appeal** in the above captioned appeal, 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
Staff Attorney
South Carolina Department of Corrections

Enclosures

cc: William Cathcart, SCDC #249565
Dorm-Room-Bunk: W2-0003-T
Manning Correctional Institution
502 Beckman Road
Columbia, SC 29203-3173