

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

ALC Case No. 22-ALJ-04-0207-AP
Appellate Case No. 2022-001813

Richard V. Clowney..... Appellant,

v.

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

RESPONDENT’S MOTION TO STRIKE APPELLANT’S FINAL BRIEF

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.

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).

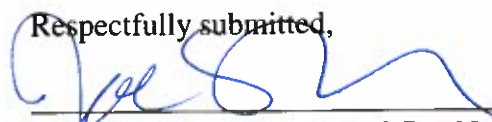
(2) *Corrections of Typographical Errors and Misspellings.* The party may correct obvious typographical errors and misspellings which were contained in the initial brief. No other changes may be made.

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 that Appellant filed on March 1, 2023. The Table of Authorities, Statement of Issues on Appeal, Statement of the Case, Standard of Review, Facts, and Argument sections are not identical to Appellant's Initial Brief. Other than references to the record and corrections of obvious typographical errors and misspellings, no other changes may be made. See Rule 211 (b) SCACR. Therefore, because Appellant's Final Brief does not comply with Rule 211 (b) SCACR, Respondent requests this Court strike Appellant's Final Brief.

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

Respectfully submitted,



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Phone: (803) 896-1278

Counsel for Respondent

Columbia, South Carolina
June 6, 2023

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SC Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

ALC Case No. 22-ALJ-04-0207-AP
Appellate Case No. 2022-001813

Richard V. Clowney, #276073..... Appellant,

v.

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

PROOF OF SERVICE

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

Richard V. Clowney, #276073
Dorm-Room-Bunk: N2-0017-B
Livesay Correctional Institution
P.O. Box 580
Una, SC 29378

Columbia, SC
June 6, 2023

Respectfully submitted,



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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

June 6, 2023

Via email

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
Email: ctappfilings@sccourts.org

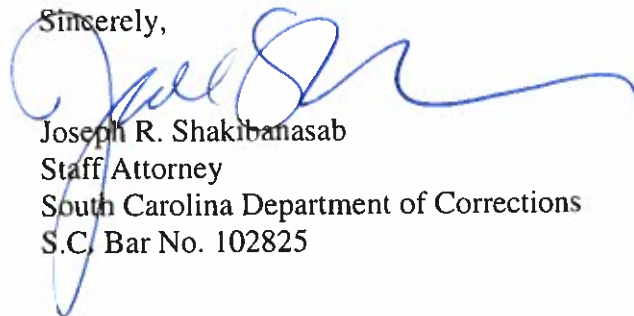
RE: Richard V. Clowney, # 276073, v. South Carolina Department of Corrections
Appellate Case No. 2022-001813

Dear Ms. Kitchings:

Enclosed, please find *Respondent's Motion to Strike Appellant's Final Brief* 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 there be any questions or concerns.

Sincerely,



Joseph R. Shakibanasab
Staff Attorney
South Carolina Department of Corrections
S.C. Bar No. 102825

cc: Richard V. Clowney, # 276073
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