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**Jun 29 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph K. Anderson, III

ALC Case No. 19-ALJ-04-0492-A-AP  
Appellate Case No. 2022-001765

JAMES MILLHOLLAND, # 367569,

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 or supplemental Record on Appeal. The relevant facts supporting this request are as follows.

In attempting to prepare Respondent's Final Brief, undersigned counsel realized that Appellant's Record on Appeal fails to contain the Affidavit of Debra Long at issue in this case (attached to this Motion).<sup>1</sup> Respondent designated all ALC filings in their Designations of Matter, including this Affidavit, which is still not included in the Record on Appeal as required by SCACR, Rule 210(c).


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<sup>1</sup> To be clear, pages 152-159 of the Record on Appeal include a portion of what was filed with Ms. Long's affidavit, but not the affidavit itself. Attached is the affidavit.

Because Appellant has not filed a proper Record on Appeal, 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 or supplemental 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,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

BY:  \_\_\_\_\_

**Kensey Evans**  
Deputy General Counsel  
Office of General Counsel  
South Carolina Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
(803) 896 8508

**ATTORNEY FOR RESPONDENT**

May 23, 2023

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**CERTIFICATE OF SERVICE**

Undersigned counsel hereby certifies that on today's date she mailed a copy of the **Motion to Require Corrected Record** to Appellant, addressed as follows: **James Millholland (#367569)**, Allendale Correctional Institution, MA-0221-Z, 1057 Revolutionary Trail, Fairfax, SC 29827.



Kensey Evans  
Deputy General Counsel  
Office of General Counsel  
South Carolina Department of Corrections  
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STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

James Millholland, #367569,	)	Docket No. 19-ALJ-04-0492-A-AP
	)	Grievance No: ACI 174-19
Appellant,	)	
	)	
v.	)	<b>AFFIDAVIT OF DEBRA LONG</b>
	)	
South Carolina Department of Corrections,	)	
	)	
Respondent.	)	
_____	)	


Personally appeared before me, Debra Long, who being duly sworn, deposes and sayeth:

1. I am a Fiscal Analyst and Inmate Accounts Supervisor for the South Carolina Department of Corrections ("SCDC").
2. I am familiar with the above captioned case the DNA fee for Appellant James Millholland.
3. Part of my duties as Fiscal Analyst is to process payments for DNA charges pursuant to S.C. Code Ann. §23-3-670.
4. Appellant's DNA fee was charged on March 29, 2016; however, the payment was taken over a series of thirty-eight deductions totaling \$250.00.
5. The first deduction was taken on April 2, 2016 for \$1.10. The last deduction was taken on May 1, 2018 for \$17.30. This is shown in full in the eight (8) pages of attached Inmate Restitution.
6. Appellant has not been charged a second time.

FURTHER, AFFIANT SAYETH NOT.

Sworn to before me this 19 day of  
October 2022.

Notary Public for South Carolina  
My Commission expires: 10/1/2023

  
\_\_\_\_\_  
Debra Long

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v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

---

**CERTIFICATE OF SERVICE**

---

Undersigned counsel hereby certifies that on today's date she mailed a copy of the Motion to Require Corrected Record to Appellant, addressed as follows: James Millholland, 310 Gorden Street, Breman, GA 30110.



Kensey Evans  
Deputy General Counsel  
Office of General Counsel  
South Carolina Department of Corrections  
Post Office Box 21787  
Columbia, S. C. 29221  
(803) 896-8508

June 29, 2023



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

June 29, 2023

James Millholland  
310 Gorden Street  
Bremen, GA 30110

**RE: James Millholland, #367569, v. South Carolina Department of Corrections**  
**Appellate Case No. 2022-001765**

Dear Mr. Millholland:

Enclosed is Respondent's Motion to Correct, along with the original Proof of Service, in the above captioned appeal. The original was mailed on May 23, 2023, but Greenwood County picked you up before you received it. I attempted to reserve you at Greenwood County, but I do not know if you received it. You may have received this at your current address already, but I realized that I misread your initial notice of new address to be "Garden Street". Therefore, I am reserving at the address you provided to the Court. I have also enclosed a new Proof of Service. Thank you.

Sincerely,

Kensey Evans  
Deputy General Counsel  
South Carolina Department of Corrections

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

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