

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUL 25 2023

SC Court of Appeals

Appeal from the Administrative Law Court
The Honorable Robert L. Reibold, Administrative Law Judge
Docket Number 23-ALJ-15-0001-AP

Appellate Case No.: 2023-000847

RONALD C. ALBRIGHT, #217218.....APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES,.....RESPONDENT

**OPPOSITION TO AMENDED DESIGNATION
OF MATTER OF APPELLANT**

**Matthew C. Buchanan, #73740
General Counsel**

**South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 207
Columbia, South Carolina 20202
(803) 734-9220**

ATTORNEY FOR RESPONDENT

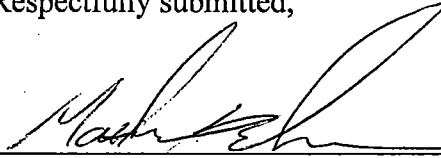
Now comes Respondent, through its counsel and pursuant to Rule 240, SCACR, respectfully objecting to and moving to strike Appellant's amended designation of matter.

Appellant incorrectly relies upon Rule 240(c)(3), SCACR, in order to circumvent the Court's July 3, 2023 Order granting Respondent's Motion to Strike. Appellant has been instructed to amend his Record on Appeal, yet he has again resubmitted materials that this Court has ordered stricken. Rule 240(c)(3), applies to motions and petitions generally, and only when "the Record on Appeal or Appendix has not been filed." Appellant is clearly seeking to include these matters not to support a motion or petition filed under Rule 240, but to support his arguments within his brief pursuant to Rule 208, SCACR.

Respondent again submits that Appellant's amended designation of matter consists entirely of items that were not presented to the lower court or tribunal, or irrelevant to the current appeal. Therefore, they may not be included in the record on appeal and should be stricken from his designation of matter. Rule 210(c), SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal."). Not only has Appellant designated matter that was not presented to the lower court, in regard to certain items he is now, by way of that designation of matter, demanding production or creation of matter that has heretofore not been created, such as transcripts from hearings that are not the proper subject of this appeal. Indeed, Respondent respectfully submits that Appellant's amended designation of matter contains materials not relevant to the appeal in violation of Rule 209(b), SCACR.

As noted in the Respondent's previous Motion to Strike the Appellant's original Designation of Matter, the Amended Designation should be stricken for the same reasons. Therefore, the Respondent respectfully objects to the Appellant's Amended Designation of Matter and asks that this Court enforce its previous Order.

Respectfully submitted,



Matthew C. Buchanan
General Counsel

South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 293
Columbia, South Carolina 29202
(803) 734-9220

Columbia, South Carolina
July 21, 2023

STATE OF SOUTH CAROLINA
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SC Court of Appeals

Appeal from the Administrative Law Court
The Honorable Robert L. Reibold, Administrative Law Judge
Docket Number 23-ALJ-15-0001-AP

Appellate Case No.: 2023-000847

RONALD C. ALBRIGHT, #211533, APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES, RESPONDENT

CERTIFICATE OF SERVICE

I, Dawn K. Nichols, Executive Assistant, hereby certify that I have served the within
Opposition to Amended Designation of Matter on Appellant this 21st day of July, 2023, by
depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Ronald Albright, #211533
Lieber Correctional Institution
PO Box 205
Ridgeville, S.C. 29472

I further certify that all parties required by Rule to be served have been served.



Dawn K. Nichols
Executive Assistant
South Carolina Department of Probation,
Parole, and Pardon Services
P. O. Box 207
Columbia, South Carolina 29202

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



MELVIN WARREN
Acting Director

293 GREYSTONE BLVD
POST OFFICE BOX 207
COLUMBIA, SOUTH CAROLINA 29202
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.dppps.sc.gov/

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July 21, 2023

The Honorable Jenny Kitchings
Clerk of the S.C. Court of Appeals
P. O. Box 11629
Columbia, South Carolina 29211

Re: Ronald Albright v. SCDPPPS
23-000847

Dear Ms. Kitchings:

Please find enclosed Respondent's Opposition to Amended Designation of Matter dated July 21, 2023, along with proof of service in the above referenced case.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan", written over a horizontal line.

Matthew C. Buchanan
General Counsel

MCB:dn

Enclosures

cc: Ronald Albright

State of South Carolina
Department of Probation, Parole, and Pardon Services

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The Honorable Jenny Kitchings
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