

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

RECEIVED

SEP 25 2023

SC Court of Appeals

JAMES MILLHOLLAND, # 367569,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO FILE OUT OF TIME

Comes now Respondent, through undersigned counsel, and requests leave to file its Final Brief out of time. It appears that Respondent's Final Brief was due to be served and filed on August 22, 2023. However, undersigned counsel inadvertently failed to calendar the due date for the Respondent's Final Brief. Respondent's Final Brief is being submitted along with this Motion.

Based upon the foregoing, Respondent respectfully requests that this Court permit it to file the accompanying Final Brief of Respondent outside of the filing deadlines set forth in Rules 208 and 209 of the South Carolina Appellate Court Rules. *See* Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or

justice thereof.”). Respondent does not believe any prejudice to Appellant will result if this request is granted.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY:  _____

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

ATTORNEY FOR RESPONDENT

September 25, 2023

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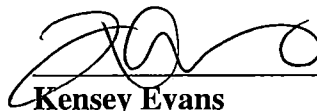
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the Respondent's **Motion to File out of Time** to Appellant via U.S. Mail addressed as follows: James Millholland 310 Gorden Street, Breman, GA 30110.



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

September 25, 2023



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

September 25, 2023

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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SC Court of Appeals

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

Dear Ms. Kitchings:

Enclosed please find the **Final Brief of Respondent** and **Motion to File Out of Time** in the above captioned appeal, along with **Proofs of Service**. Please file all documents with your office and provide a clocked stamped copy to me via email.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Kensey Evans
Deputy General Counsel
South Carolina Department of Corrections

cc: James Millholland, 367569
310 Gorden Street
Breman, GA 30110