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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

ALC Case No. 23-ALJ-04-59 & -60
Appellate Case No. 2023-001002

JAY TATE, # 131879,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**RESPONDENT'S OBJECTION TO APPELLANT'S MOTION TO AMEND HIS
INITIAL BRIEF TO INCLUDE ADDITIONAL ARGUMENTS**

Comes now Respondent, through undersigned counsel, and requests that this Court deny Appellant's motion to amend his initial brief. The relevant facts supporting this request are as follows.

Appellant submitted his Initial Brief in September 2023, appealing from Orders issued by Administrative Law Judge Robert L. Reibold on May 22, 2023. Respondent submitted its Initial Brief on November 6, 2023. No Record on Appeal has been filed by Appellant to date. However, on November 28, 2023, Appellant submitted a "Motion to Obtain Leave of Court to Amend Initial Brief and Expand the Designation of Matter to be Included." In this Motion, Appellant asks that the Court permit him to amend his Initial

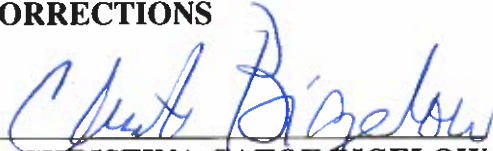
Brief to include additional arguments. He also asks the Court to permit him to include additional materials in his Designation of Matter, to include an incident report and a disciplinary report and hearing record.

Respondent objects to Appellant amending his Initial Brief to include arguments that could have been made previously in his Initial Brief filed in September. Appellant also could have raised these arguments in a Reply Brief. Accordingly, Respondent respectfully requests that the Court deny Appellant's motion to amend his Initial Brief.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY:



CHRISTINA CATOE BIGELOW

Deputy General Counsel
Office of General Counsel
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Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

December 8, 2023

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JAY TATE, # 131879,

APPELLANT,

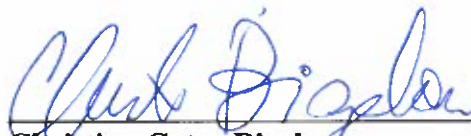
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of **Respondent's Objection to Appellant's Motion to Amend his Initial Brief** to Appellant, addressed as follows: **Jay Tate, # 131879, Kershaw Correctional Institution, 4848 Gold Mine Highway, PA-31, Kershaw, South Carolina 29067.**



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December 8, 2023



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

December 8, 2023

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

RE: Jay Tate, # 131879, v. South Carolina Department of Corrections
Appellate Case No. 2023-001002

Dear Ms. Kitchings:

Enclosed please find **Respondent's Objection to Appellant's Motion to Amend his Initial Brief** in the above captioned appeal, along with **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,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: Jay Tate, # 131879
Kershaw Correctional Institution
PA-0031
4848 Goldmine Highway
Kershaw, South Carolina 29069