

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
MAR 20 2024
SC Court of Appeals

Appeal from the Administrative Law Court
The Honorable H.W. Funderburk, Jr., Administrative Law Judge

Appellate Case No.: 2021-001162

LARRY BLACKWELL, #176790.....APPELLANT

v.

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

**OBJECTION TO APPELLANT'S
MOTION TO SUPPLEMENT THE RECORD**

Respondent hereby objects to Appellant's Motion to Supplement the Record filed March 11, 2024, on the grounds that the proffered materials were not a part of the record of the Administrative Law Court. Rule 210(c), SCACR.

Items 1 through 3 in Appellant's Motion were not included in the Administrative Law Court's record. Rule 210(c), SCACR, states that the Record "shall not ... include matter which was not presented to the lower court or tribunal."

Respondent would also object because items 2 and 3 are materials created well after the issue on appeal. Appellant in his Motion is submitting a copy of “the most recent version of the 30-day hearing notification letter,” and “meeting minutes from the Board of Pardons and Paroles Administrative meeting on Wednesday, July 12, 2023.”

Respondent would submit that these documents have no bearing over the issues before this Court, clearly raised years prior to items 2 and 3’s existence. Appellant may not raise new issues on appeal that have not been addressed at the lower court. Wilder Corp. v. Wilke, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). Supplementing the record with materials created well after the hearing at issue would appear on its face that Appellant is seeking to raise and argue new issues. Consequently, Respondent would object to supplementing the record and would respectfully request that Appellant’s Motion be denied.

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
March 15, 2024

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAR 20 2024

SC Court of Appeals

Appeal from the Administrative Law Court
The Honorable H.W. Funderburk, Jr., Administrative Law Judge

Appellate Case No.: 2021-001162

LARRY BLACKWELL, #176790.....APPELLANT

v.

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

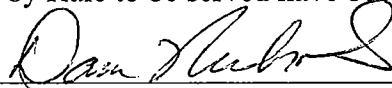
CERTIFICATE OF SERVICE

I, Dawn K. Nichols, Executive Assistant, hereby certify that I have served the within
Objection to Appellant's Motion to Supplement the Record on Appellant this 15th day of March,
2024, by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Jon Ozmint, Esquire
PO Box 17554
Greenville, SC 29606

Allison Franz, Esquire
Justice 360
900 Elmwood Ave, Suite 200
Columbia, SC 29201

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



JODI GALLMAN
Acting Director

RECEIVED

MAR 20 2024

SC Court of Appeals

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

March 15, 2024

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

RE: Larry Blackwell, #176790 v. SCDPPPS
Case No.: 21-001162

Dear Ms. Kitchings:

Please find enclosed the Respondent's Objection to Appellant's Motion to Supplement the Record dated March 15, 2024.

Thank you for your assistance in this matter.

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: Jon Ozmint, Esquire
Allison Franz, Esquire

State of South Carolina

Department of Probation, Parole, and Pardon Services

293 GREYSTONE BOULEVARD, POST OFFICE BOX 207
COLUMBIA, SOUTH CAROLINA 29202



US POSTAGE™ PITNEY BOWES



ZIP 29210 \$ 000.64⁰
02 4W
0000369112 MAR 18 2024

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

RECEIVED

MAR 20 2024

SC Court of Appeals

2921181629 8012

