

# The South Carolina Court of Appeals

Billy Lee Lisenby, Jr., #200273, Appellant,

v.

South Carolina Department of Corrections, Respondent.

And

Billy Lee Lisenby, Jr., #200273, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-213396

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## ORDER

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Respondent has filed a motion to compel Appellant to supplement the record on appeal with fifteen designated matters that were omitted from the record on appeal. Appellant filed a motion to file a return out of time, which is granted. In Appellant's returns, Appellant contends it is impossible to supplement the record because the omitted documents were confiscated from his legal box. This court requested Respondent to file a reply. In the reply, Respondent said its motion should be granted because Appellant had appropriate access to his legal box. Respondent failed to address the issue of whether these omitted documents had been confiscated out of Appellant's legal box. This court notes that the South Carolina Department of Corrections has attached copies of the omitted documents to motions to supplement the record on appeal in other cases. Because Respondent has failed to address the question of whether these documents have been confiscated from Appellant, Respondent shall provide a copy of the fifteen omitted documents to Appellant within ten days of the date of this order. Respondent shall provide this court with proof Appellant was served with the documents. Appellant

shall thereby serve and file a supplemental record on appeal containing the fifteen documents within ten days of the date of the proof of service.

  
FOR THE COURT

Columbia, South Carolina

cc:

Billy Lee Lisenby, Jr., 200273

Christopher D. Florian

Shanika Kenyetta Johnson

FILED  
2/20/13 