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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-04-0341-AP
Appellate Case No. 2024-000412

MARSHALL MILLER, # 249557,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**MOTION TO FILE OUT OF TIME
AND
MOTION TO DISMISS APPEAL**

The Initial Brief of Respondent and Designation of Matter was due to be served and filed on June 24, 2024. However, the parties settled this matter via Final Release and Settlement Agreement dated June 21, 2024, and the check was requested that same date. Accordingly, Respondent requests that, assuming no objection is received from Appellant in the next thirty days, the case be dismissed. Thirty days should be enough time for Appellant's check to be received and deposited into his account.

WHEREFORE, Respondent respectfully requests that this Court accept this filing out of time, and also respectfully requests that this case be dismissed in thirty days if no objection from Appellant is received.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

CHRISTINA C. BIGELOW
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

July 3, 2024

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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 and Motion to Dismiss Appeal** to Appellant via U.S.

Mail addressed as follows:

**Marshall Miller, # 249557
Tyger River Correctional Institution
1A-0206
200 Prison Road
Enoree, South Carolina 29335**



Christina C. Bigelow
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221

July 3, 2024



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

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SC Court of Appeals

July 3, 2024

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

RE: Marshall Miller, # 249557 v. South Carolina Department of Corrections
Appellate Case No. 2024-000412

Dear Ms. Kitchings:

Enclosed please find Respondent's **Motion to File out of Time and Motion to Dismiss Appeal** in the above referenced matter, along with **Proof of Service**. A copy of the same is being mailed to Appellant today.

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

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections
S.C. Bar No. 73562

cc: Marshall Miller, # 249557
Tyger River Correctional Institution
1A-0206
200 Prison Road
Enoree, South Carolina 29335