

The State of South Carolina
In The Court of Appeals

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Appeal From the Administrative Law Court
Robert L. Reibold, ALJ

NOV 07 2024
SC Court of Appeals

Appellate Case No: 2023-001002
Administrative Law Case No: 23-ALJ-04-59 and 60

Jay Tate #131879

Appellant

v.

South Carolina Department of Corrections

Respondent

Motion to Allow late Filing of
The Record on Appeal

The South Carolina Department of Corrections Failed to turn over the record from the disciplinary hearing that was held on November 2, 2022 to hide the misconduct that was employed at that hearing and to deny Appellant due process under Article 1 section 3 of the South Carolina Constitution as well to the Fourteenth Amendment of the United State Constitution.

Please see Respondent's Motion to Dismiss Pursuant to Howard v South Carolina Department of Corrections and South Carolina Code Ann: 1-23-600(D) in the conclusion where the Respondent's never filed the record on appeal.

The are level 1 and level 2 disciplinarys considered

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major disciplinarys and the record should have been released. Al-Shabazz v State 338 S.C. 354, 527 SE2d 742 Headnote 16.

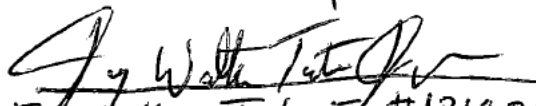
These motions are included in the Designation of Matter.

Conclusion

For the forgoing reasons, Appellate request that both the 903 and 855 disciplinarys be dismiss for not following the rules or what the court Deem just and proper.

Dated November 1, 2024

Respectfully Submitted


Jay Walter Tate, Sr. #131879
Kershaw Correctional Inst.
4848 Goldmine Highway
Kershaw, S.C. 29067

The State of South Carolina
In The Court of Appeals

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Administrative Law Court Case No: 23-AWS-04-59 and 60
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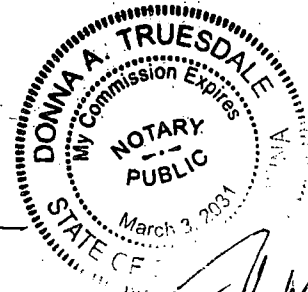
SC Court of Appeals

South Carolina Department of Corrections Respondent

Proof of Service

I hereby certify that a true copy of the Appellant's Motion to Allow late filing of the Record on Appeal have been served this 1st day of November, 2024 on the Respondent, Christina Catoe Bigelow, Esquire South Carolina Department of Corrections, Office of General Counsel, Post Office Box 21787, Columbia, South Carolina 29221 and The South Carolina Court of Appeals, Jenny A. Kitchings, Clerk of Court, Post Office Box 11627, Columbia, South Carolina 29211

Sworn To And Subscribed Before Me
this 1st day of November 2024
Donna A. Truesdale March 03, 2031
Notary Public For South Carolina
My Commission Expires
dated this 1st day November, 2024



Jay Walter Tate Jr
Jay Walter Tate Jr

Jay Walter late, Jr. #131879
Kershaw Correctional Inst-
4848 Goldmine Highway
Kershaw, South Carolina 29042

November 1, 2024

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SC Court of Appeals

Honorable Jenny A. Kitchings
Clerk of Court
Post Office Box 11627
Columbia, South Carolina 29211

RE: Appellate Case No: 2023-001002

Dear Ms. Kitchings,

At this present moment can your office please notify me if I have properly argued my motion to be allowed late filing of the Record on Appeal and if I haven't then may I please obtain a continuance so I can fix my mistake.

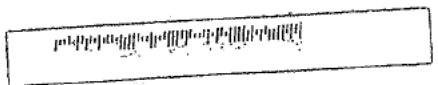
Now please find enclosed within this letter of request the motion to allow late filing. The South Department of Corrections never released the record from the hearing held on November 2, 2022. If you have any questions, please feel free to contact me.

IF it's possible can your office please provide
General Counsel a copy of this motion. Thank
you for your time into this important matter.

Sincerely,
Jy Walter, Jr.

Jay Walter Tate, Jr. #131899
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067

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