

RECEIVED

Apr 18 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATION LAW COURT

Hon. Robert L. Reibold, Administrative Law Judge

Case No. 2024-001562

George Brisbon, Appellant,

v.

South Carolina Criminal Justice Academy, Respondent.

MOTION IN OPPOSITION TO
APPELLANT'S MOTION TO REINSTATE

I, Rebecca S. Williams, attorney of record for the South Carolina Criminal Justice Academy (Respondent), respectfully request, pursuant to Rule 240, SCACR that Appellant's Motion to Reinstate be denied.

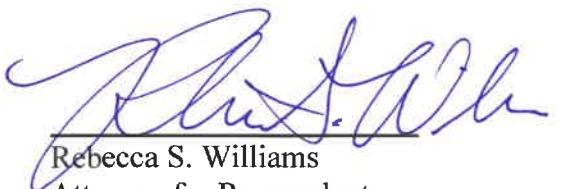
On September 20, 2024, Respondent learned of Appellant's notice to appeal the Administrative Law Court's Order from an email from the Clerk of the Court of Appeals. The Clerk's email included the notice of assignment and a deficiency letter to Appellant for various issues the Clerk identified with the original filing. Respondent did not receive actual notice from Appellant of the appeal until September 24, 2024, when Appellant sent an email of the amended Notice of Appeal. On September 26, 2024, Respondent received the Clerk of Court's letter to Appellant informing them they received an amended notice of appeal but must first file a motion to amend the notice of appeal. On October 23, 2024, the Clerk of Court

sent another deficiency letter to Appellant for failing to provide a copy of adequate service on Respondent or the Administrative Law Court. On November 1, 2024, Respondent received the motion to amend in the mail. On December 4, 2024, the Court ordered Appellant's motion to amend the notice of appeal was granted as far as it reflected the South Carolina Criminal Justice Academy as the respondent. On December 5, 2024, Appellant was instructed to serve and file the initial brief by January 3, 2025. Respondent received Appellant's initial brief on January 3, 2025. On January 6, 2025, the Clerk of Court sent another notice to Appellant that they failed to provide proper documentation of service. On January 31, 2025, Respondent timely filed its initial brief and designation of the matter. On February 11, 2025, the Clerk of Court reminded both parties that the filing deadline for the Record on Appeal and final briefs was approaching. Pursuant to Rule 210, SCACR, the Record on Appeal should have been filed and served on March 3, 2025. The Record on Appeal was not filed or served on March 3, 2025. On March 18, 2025, the Clerk of Court notified Appellant that the time for serving and filing proof of service of the record of appeal had expired and gave Appellant ten days to remedy this deficiency. The Clerk of Court warned that the Appeal would be dismissed if the deficiency was not corrected. Respondent intended to file a Motion to Dismiss April 17, 2025, as it was almost a month past when the Clerk of Court sent its latest deficiency letter to Appellant and Appellant still had not filed the Record on Appeal. Respondent did not file the Motion to Dismiss because the Clerk of Court justifiably dismissed the Appellant's appeal that same day. Later that afternoon, Appellant filed this Motion to Reinstate.

Despite reminders and warnings, at no point did Appellant reach out or ask for an extension, until the same day the Clerk of Court dismissed the case. Respondent is truly sorry for Appellant's loss. Our Court's rules take life's hardships into consideration but do require parties to proactively communicate. This appeal has already gone on much longer than necessary because of a pattern of deficiency that started prior to this failure to file.

Respondent is prejudiced because Respondent must continue to be vigilant about this appeal to preserve Respondent's interests. This diverts resources from other necessary functions of the Academy. If it were not for the Clerk of Court's proactive communication, Respondent might have missed important deadlines or issues because of inconsistent notice.

Finally, Respondent disagrees that Appellant's substantive arguments demonstrate clear merit. The evidence in this case was appropriately admitted and as the Administrative Law Court correctly ruled even if it was not appropriately admitted, the evidence was cumulative. Appellant was not prejudiced by the admission of this evidence. Therefore, Respondent respectfully requests this Court deny Appellant's motion to reinstate the appeal.



Rebecca S. Williams
Attorney for Respondent
SC Criminal Justice Academy
5400 Broad River Road
Columbia, SC 29210
Bar # 100796
RWilliams@scija.sc.gov
803-896-7128

April 18, 2025

RECEIVED

Apr 18 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM THE ADMINISTRATION LAW COURT

Hon. Robert L. Reibold, Administrative Law Judge

Case No. 2024-001562

George Brisbon, Appellant,

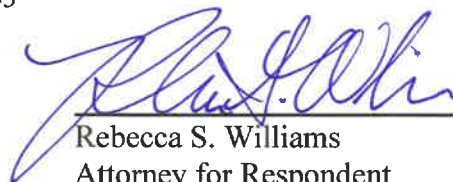
v.

South Carolina Criminal Justice Academy, Respondent.

PROOF OF SERVICE

I, Rebecca S. Williams, counsel for Respondent, hereby certify that service of the Motion in Opposition to Appellant's Motion to Reinstate in the above captioned matter was made, pursuant to Supreme Court Order Dated April 24, 2024, upon all counsel via email only to dtommygist@yahoo.com and LegalAssistants@gistlawfirm.com this 18th day of April, 2025.

Donald Gist, Esquire
Attorney for Appellant
dtommygist@yahoo.com
Gist Law Firm, P.A.
4400 N. Main Street
Columbia, SC 29203



Rebecca S. Williams
Attorney for Respondent
SC Criminal Justice Academy
5400 Broad River Road
Columbia, SC 29210
Bar # 100796
RWilliams@sccja.sc.gov
803-896-7128

April 18, 2025