THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Samuel L. Johnson, Administrative Law Court Judge

Administrative Law Court Docket No. 24-ALJ-04-0161-AP

Appellate Case No. 2025-002575

Roger Curtis, #143635, Respondent,

v.

South Carolina Department of Corrections, Appellant.

RESPONDENT'S OBJECTION TO APPELLANT'S SECOND MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S BRIEF

COMES NOW the Respondent, Roger Curtis ("Respondent"), appearing pro se, and respectfully objects to the Appellant South Carolina Department of Corrections' ("SCDC" or "Appellant") Second Motion for Extension of Time to File its Appellant's Brief. In support of this Objection, the Respondent respectfully states as follows:

1. On June 18, 2026, Appellant filed its first Motion for Extension of time to File its Appellant's Brief. On that same day, this Honorable Court granted the Motion and extended Appellant's filing deadline to July 20, 2026.

2. Following the Court's Order, Respondent submitted correspondence expressing his objection to the Court granting the Motion without first affording him the ten-day period to respond as contemplated by Rule 240(e), SCACR. Respondent also expressly notified the Court that he opposed any future requests by Appellant for additional extensions of time.

3. Despite having received a thirty-day extension and despite Respondent's expressed opposition to further delays, Appellant waited until the very day its Appellant's Brief was due before filing yet another Motion seeking an additional ten-day extension. Appellant's counsel asserts that trial obligations and unrelated briefing deadlines prevented timely compliance with this Court's scheduling order.

4. Respondent respectfully submits that counsel's workload, standing alone, does not constitute sufficient cause to repeatedly delay these proceedings.

Attorneys admitted to practice before the courts of this State have a professional obligation to competently manage their caseloads and diligently represent their clients.

5. The South Carolina Rules of Professional Conduct require attorneys to provide competent and diligent representation. An attorney who is unable to satisfy court-ordered deadlines because of competing professional obligations should take appropriate measures to protect the client's interests, including consulting with the client regarding the need to associate additional counsel or substitute counsel capable of meeting the Court's deadlines.

6. This appeal has already experienced unnecessary delay. Respondent has diligently complied with every deadline imposed upon him while proceeding without counsel. In contrast, Appellant, represented by experienced counsel, has repeatedly sought extensions rather than complying with the Court's scheduling orders.

7. Justice delayed is justice denied. Respondent has a substantial interest in the prompt resolution of this appeal and is entitled to the expeditious administration of justice. Continued extensions unnecessarily prolong the litigation and prejudice Respondent by delaying final resolution of the issues presented.

8. While Respondent recognizes that extensions may occasionally be warranted upon a showing of extraordinary circumstances, the reasons Appellant offered in his present Motion reflect scheduling conflicts and workload management issues that are within counsel's professional responsibility to anticipate and address.

9. Under these circumstances, Respondent respectfully requests that this Court deny Appellant's Second Motion for Extension of Time. In the alternative, if Appellant has failed to comply with the Court's briefing deadline without sufficient justification, Respondent respectfully requests that the Court consider the sanctions authorized by the South Carolina Appellate Court Rules, including dismissal of the appeal or such other relief as the Court deems just and proper.

CONCLUSION

WHEREFORE, Respondent respectfully prays that this Honorable Court: 1) Deny Appellant's Second Motion for Extension of Time to File its Appellant's Brief; 2) If the Court determines dismissal is inappropriate, then Respondent respectfully request that even as the Court granted the Appellant a same-day extension of time upon its first request on June 18, 2026, likewise the Court would issue a same-day response upon the receipt of Respondent's Objection that no later than ten (10) days from thereof, shall the Appellant file its brief; 3) If the Court determines dismissal is appropriate under the South Carolina Appellate Court Rules due to Appellant's failure to prosecute its appeal or failure to comply with the Court's deadlines, dismiss Appellant's appeal with instructions for SCDC to calculate and pay Respondent the gross backpay subject to S.C. Code Ann. 24-3-40, from September 2006 to May 2024 for work he performed in the PIECP; and Grant such other and further relief as the Court deems just and proper.

Respectfully Submitted,

/s/ Roger Curtis #143635

Roger Curtis, #143635
Tyger River Correctional
Institution Unit 8-B-223
200 Prison Road
Enoree, S.C. 29335

Respondent, Pro Se

July 28, 2026

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V.

South Carolina Department of Corrections, Appellant.

PROOF OF SERVICE

I certify that I have served a copy of the foregoing Respondent's Objection to Appellant's Second Motion for Extension of Time to File Appellant's Brief upon the Appellant by depositing a copy of it in the United States Mail, postage prepaid on today's date, to the Appellant's Counsel of Record and the addressed as follows:

Mr. Andrew F. Lindemann, Esquire
P.O. Box 6923
Columbia, S.C. 29260

Mr. Barton Jon Vincent, Esquire
General Counsel
South Carolina Department of Corrections
4444 Broad River Road
Columbia, S.C. 29221-1787

July 28, 2026

/S/ Roger D. Curtis #143635
Roger Curtis, #143635
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Institution Unit 8-B-223
200 Prison Road
Enoree, S.C. 29335

Respondent, Pro Se

July 28, 2026

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

RE: Roger Curtis, #143635, v. South Carolina Department of Corrections
ALC Docket No. 24-ALJ-04-0161-AP
Appellate Case No. 2025-002575

Dear Ms. Kitchings:

Please find enclosed for filing Respondent's Objection to Appellant's Second Motion for Extension of Time to File Appellant's Brief along with Proof of Service in the above-referenced case.

Thank you for your assistance and cooperation in this matter.

Respectfully Submitted,

/s/ Roger D Curtis #143635

Roger Curtis, #143635
Tyger River Correctional
Institution Unit 8-B-223-B
200 Prison Road
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Respondent, Pro Se

cc: Andrew F. Lindemann, Esquire

Barton Jon Vincent, Esquire

Counsel for Appellant SCDC

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