STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

RECEIVED
Sep 04 2026
SC Court of Appeals

ALC Case No. 25-ALJ-04-0579-IJ
Appellate Case No. 2025-002411

ROBERT GRAHAM, JR., # 178039,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO FILE OUT OF TIME

Per a letter from this Court dated August 27, 2026, it came to undersigned counsel's attention that Respondent's Initial Brief and Designation of Matter were overdue. Undersigned counsel has no record of actually receiving Appellant's Initial Brief, and consequently, the due date for Respondent's Initial Brief and Designation of Matter was not calendared. Therefore, Respondent respectfully requests that this Court accept the attached Initial Brief of Respondent and Designation of Matter out of time. See Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.").

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

September 4, 2026

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Motion to File out of Time** to Appellant, addressed as follows:

Robert Graham, Jr., # 178039
Broad River Correctional Institution
MTB-2093
4460 Broad River Road
Columbia, South Carolina 29210

Christina Catoe Bigelow
Deputy General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

September 4, 2026

SCDC
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
"CORRECTIONAL EXCELLENCE TODAY FOR A SAFER SOUTH CAROLINA TOMORROW"

Joel E. Anderson | Director

Office of General Counsel

OFFICE OF GENERAL COUNSEL

September 4, 2026

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SC Court of Appeals

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

RE: Robert Graham, Jr., # 178039 v. South Carolina Department of Corrections
Appellate Case No. 2025-002411

Dear Ms. Kitchings:

Enclosed please find the **Initial Brief of Respondent** and **Designation of Matter** in the above captioned appeal, along with **Proof of Service**. Also enclosed is Respondent's **Motion to File out of Time** and a **Proof of Service**.

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

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: Robert Graham, Jr., # 178039
Broad River Correctional Institution
MTB-2093
4460 Broad River Road
Columbia, South Carolina 29210