

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 15 2014

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

SC Court of Appeals

Case No. 12-ALJ-04-0606-AP

Billy Lisenby, # 200273,.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

**MOTION TO COMPEL APPELLANT TO
SUPPLEMENT THE RECORD**

Comes Now, respondent, the South Carolina Department of Corrections, and requests that this Honorable Court ORDER appellant to supplement the record on appeal. In support of this request, respondent shows this Honorable Court the following:

1. In this appeal, appellant challenges the decision of the Administrative Law Court dismissing his appeal from an inmate disciplinary conviction.
2. On November 1, 2013 appellant filed a document entitled "Record on Appeal." Although appellant filed a certificate of service indicating he mailed a copy of the Record to the Department of Corrections' Office of General Counsel, counsel has not received the Record on Appeal.
3. A review of the Record on Appeal appellant filed with the Court reveals that it does not contain certain items listed in respondent's Designation of Matter. Specifically, the following items were not included:

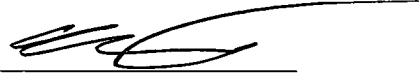
- a. Incident Report from Officer Channell dated February 24, 2012 regarding appellant.
 - b. Incident Report from Sergeant Sweet dated March 6, 2012 regarding appellant.
 - c. Transcript of March 6, 2012 disciplinary hearing.
 - d. Disciplinary Report and Hearing Record for appellant's case number 124
 - e. Step One Inmate Grievance Form for Grievance Number KRCI 0369-12.
 - f. Step Two Inmate Grievance Form for Grievance Number KRCI 0369-12.
 - g. Appellant's Notice of Appeal filed in the Administrative Law Court.
4. Rule 210(c), SCACR, provides in part that, "The Record on Appeal shall include all matter designated to be included by any party under Rule 209."
 5. Appellant has clearly not complied with the rules of this Honorable Court.
 6. Respondent has cited to the materials appellant omitted from the Record in its Initial Brief. To file a Final Brief, respondent must have a Record on Appeal containing complete copies of all items respondent listed in its Designation of Matter.

WHEREFORE, respondent respectfully requests that this Honorable Court ORDER appellant to file and serve a Supplemental Record on Appeal with the above listed materials. Respondent further requests that this Honorable Court ORDER that the final briefs shall be served and filed within twenty days of service of the Supplemental Record on Appeal.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS

Attorney for Respondent



Christopher D. Florian
Deputy General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC 29221-1787
Attorney for Respondent

Columbia, SC
January 14, 2014

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Administrative Law Judge Deborah Brooks Durden

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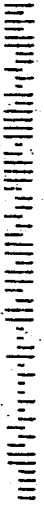
CERTIFICATE OF SERVICE

I hereby certify that I have served Appellant a copy of Respondent's Motion to Compel Appellant to Supplement the Record by depositing a copy of same in the United States Mail, postage prepaid, on January 14, 2014, addressed to the Appellant as follows:

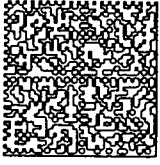
Mr. Billy Lisenby, # 200273
Lee River Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010


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SC Court of Appeals

The Honorable Jenny A. Kitchings
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29201