

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

Case No. 13-ALJ-04-0965-AP

Michael Jones, # 237769.....Appellant,

v.

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

**RETURN TO APPELLANT'S MOTION TO COMPEL RESPONDENT TO
SUPPLEMENT THE RECORD**

COMES NOW, respondent, South Carolina Department of Corrections (SCDC), and respectfully requests the Court DENY appellant's Motion to Compel Respondent to Supplement the Record. In support, SCDC shows the Court as follows:

1. This matter is before the Court pursuant to appellant's appeal challenging his security classification.
2. Appellant filed a Notice of Appeal in the Administrative Law Court (ALC) on December 15, 2013. By way of an Order dated January 16, 2014, before the Department of Corrections filed the record in the ALC, Administrative Law Judge Deborah Brooks Durden dismissed the appeal *sua sponte*.
3. Appellant has now filed a motion requesting the Department of Corrections provide

RECEIVED

FEB 28 2014

SC Court of Appeals

him with copies of several documents not presented for the ALC's review.

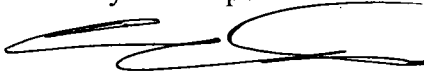
4. Pursuant to Rule 210(c), SCACR, the Record on Appeal shall not include matter which was not presented to the lower court or tribunal. Therefore, the documents appellant requested should not be included in the Record on Appeal presented to this Court pursuant to Rule 210(c), SCACR.

WHEREFORE, for the foregoing reasons, respondent respectfully requests appellant's motion be DENIED.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS

Attorney for Respondent



Christopher Florian
Deputy General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC 29221-1787
(803) 896-8508

Columbia, South Carolina
February 27, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

Case No. 13-ALJ-04-0965-AP

Michael Jones, # 237769.....Appellant,

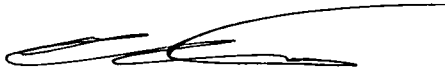
v.

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

CERTIFICATE OF SERVICE

I hereby certify that I have served Appellant a copy of Respondent's Return to Appellant's Motion to Compel Respondent to Supplement the Record by depositing a copy of same in the United States Mail, postage prepaid, on February 27, 2014, addressed to the Appellant as follows:

Michael Jones, # 237769
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669



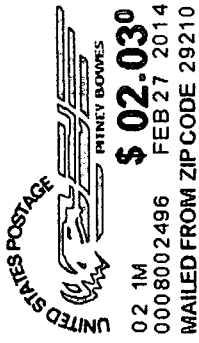
Christopher D. Florian
Deputy General Counsel
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC 29221-1787
Attorney for Respondent

RECEIVED

FEB 28 2014

SC Court of Appeals

Christopher D. Florian
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, South Carolina 29221



RECEIVED

FEB 28 2014

SC Court of Appeals

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