

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

APPEAL FROM THE ADMINISTRATIVE LAW COURT

AUG 3 4 2014

John D. McLeod, Administrative Law Judge

**SC Court of Appeals**

Case No. 13-ALJ-04-0705-AP

Albarr-Ali Abdullah, #191449 .....Appellant,

v.

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

**MOTION TO DISMISS APPEAL**

COMES NOW Respondent, South Carolina Department of Corrections, through its undersigned counsel, and moves this Honorable Court for an Order dismissing this appeal pursuant to Rule 240 and Rule 203 of the South Carolina Appellate Court Rules.

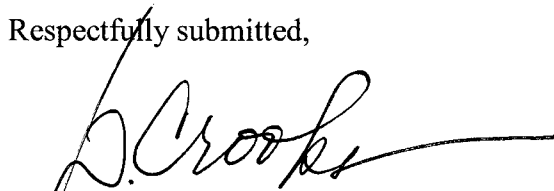
Rule 203(b)(6) governs appeals from administrative tribunals; under that rule, Appellant’s appeal is untimely and should be dismissed. Rule 203(b)(6) provides that “the notice of appeal shall be served on the agency, the administrative law court . . . and all parties of record within thirty (30) days after receipt of the decision.” Rule 203(b)(6), SCACR.

Here, the final order from the South Carolina Administrative Law Court (ALC) was signed June 9, 2014, and Mr. Abdullah was in actual receipt of this final order on June 12,

2014, according to his own notice of appeal. *See* Notice of Appeal (“Appellant received a copy of . . . [Judge McLeod’s] decision on June 12, 2014.”) As such, under rule 203(b)(6), Appellant had until July 12, 2014 to serve on all parties his Notice of Appeal. However, Appellant did not sign his Notice of Appeal until July 30, 2014. Therefore, Appellant failed to comply with the time requirements outlined in Rule 203. Accordingly, the Court should dismiss this appeal.

WHEREFORE Respondent respectfully requests that the Court dismiss this appeal.

Respectfully submitted,



---

Daniel J. Crooks III  
S.C. Bar No.: 100301  
Staff Attorney  
Office of General Counsel  
South Carolina Department of Corrections  
4444 Broad River Rd.  
Columbia, S.C. 29221  
(803) 896-1940 [direct line]

*Counsel for Respondent*

*Columbia, S. C.*

August 13, 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

---

Case No. 13-ALJ-04-0705-AP

---

Albarr-Ali Abdullah, #191449 .....Appellant,

v.

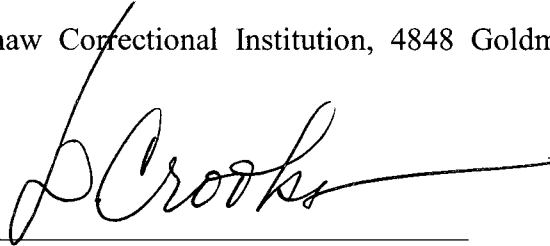
South Carolina Department of Corrections .....Respondent.

---

**CERTIFICATE OF SERVICE**

---

I, Daniel J. Crooks III, certify that I have served this Motion to Dismiss on Appellant, Albarr-Ali Abdullah, by depositing a copy of it in the United States Mail, postage prepaid, on August 13, 2014, addressed to Kershaw Correctional Institution, 4848 Goldmine Highway, Kershaw, South Carolina 29067.



---

Daniel J. Crooks III  
S.C. Bar No.: 100301  
Staff Attorney  
Office of General Counsel  
South Carolina Department of Corrections  
4444 Broad River Rd.  
Columbia, S.C. 29221  
(803) 896-1940 [direct line]

*Counsel for Respondent*

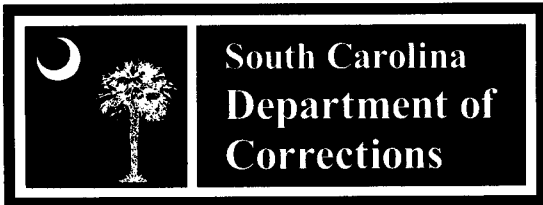
*Columbia, S. C.*

August 13, 2014

**RECEIVED**

AUG 14 2014

**SC Court of Appeals**



NIKKI R. HALEY, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

August 13, 2014

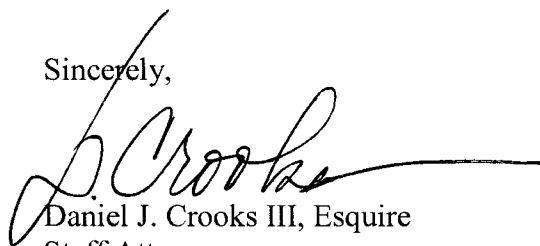
Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Reference: App. Case No.: 2014-001696 (*Albarr-Ali Abdullah, # 191449*  
*v. South Carolina Department of Corrections*)

Dear Madam Clerk:

I am assigned counsel for Respondent in the above-referenced case. Enclosed herein, please find one (1) original and seven (7) copies of Respondent's Motion to Dismiss. Kindly file the original and return one copy to my attention in the enclosed self-addressed, stamped envelope.

Sincerely,



Daniel J. Crooks III, Esquire  
Staff Attorney

Enclosures

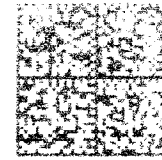
Cc: Albarr-Ali Abdullah, #191449  
Kershaw Correctional Institution

Appellate Case File

**RECEIVED**

AUG 14 2014

**SC Court of Appeals**



UNITED STATES POSTAGE  
\$ 02.03<sup>00</sup>  
MAILED FROM ZIP CODE 29211



Office of General Counsel  
P.O. Box 21787/4444 Broad River Road  
Columbia, South Carolina 29221-1787

**RECEIVED**

AUG 13 2014

**SC Court of Appeals**

Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

