

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**  
AUG 25 2014

APPEAL FROM THE ADMINISTRATIVE LAW COURT

**SC Court of Appeals**

Administrative Law Judge Deborah Brooks Durden

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

Charles Ray Carter, # 246054,.....Appellant,

v.

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

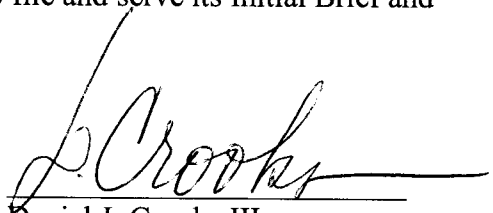
**MOTION TO FILE OUT OF TIME**

COMES NOW, Respondent, South Carolina Department of Corrections, and requests that this Honorable Court grant Respondent leave to file its Initial Brief and Designation of Matter out of time. In support of this request, Respondent shows this Honorable Court the following:

1. This matter comes before the Court by way of Appellant's challenge to the calculation of his sentence pursuant to Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).
2. On June 20, 2014 Appellant filed and served his initial brief and designation of matter to be included in the record.
3. Due to an administrative error, Respondent did not submit its initial brief and designation of matter within thirty days of service of Appellant's initial brief.
4. Respondent's initial brief and designation of matter have been submitted contemporaneously with this motion.

5. Appellant has not been prejudiced by the delay in submitting the Respondent's initial brief and designation of matter.

WHEREFORE, Respondent respectfully requests to file and serve its Initial Brief and Designation of Matter out of time in this matter.



Daniel J. Crooks III  
Staff Attorney  
S.C. Department of Corrections  
P.O. Box 21787  
Columbia, SC 29221  
(803) 896-1940

Attorney for Respondent

Columbia, S.C.

August 22, 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

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

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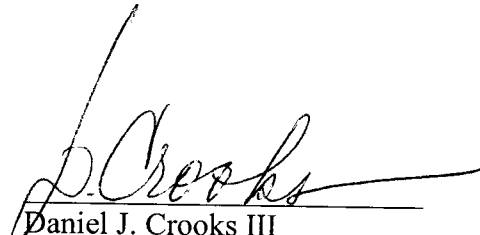
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**CERTIFICATE OF SERVICE**

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I hereby certify that I have served a copy of the foregoing Motion to File Out of Time upon Appellant by depositing a copy of same in the United States Mail, postage prepaid, on August 22, 2014, addressed as follows:

Charles Ray Carter, # 246054  
Ridgeland Correctional Institution  
Post Office Box 2039  
Ridgeland, S.C. 29936



Daniel J. Crooks III  
Staff Attorney  
S.C. Department of Corrections  
P.O. Box 21787  
Columbia, SC 29221  
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**ENTRY OF APPEARANCE**

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Now comes Daniel J. Crooks III and enters his name as counsel in the above-styled case.

Please forward any correspondence including court notices to my office.

Dated: August 22, 2014.

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**SC Court of Appeals**



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Daniel J. Crooks III  
Staff Attorney  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221-1787  
(803) 896-1940

Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM ADMINISTRATIVE LAW COURT

Honorable Deborah Brooks Durden

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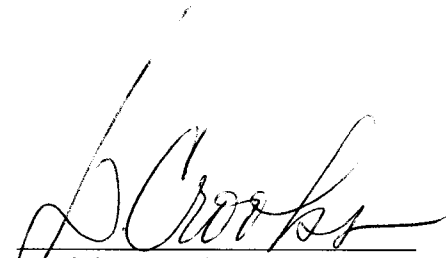
**CERTIFICATE OF SERVICE**

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I hereby certify that I have served a copy of the foregoing Entry of Appearance to Appellant by depositing a copy of same in the United States Mail, postage prepaid, on August 22, 2014, addressed as follows:

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Daniel J. Crooks III  
Staff Attorney  
S.C. Dept. of Corrections  
P.O. Box 21787  
Columbia, SC 29221-1787  
(803) 896-1940

Attorney for Respondent



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

OFFICE OF GENERAL COUNSEL

August 22, 2014

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

Reference: App. Case No.: 2014-001060 (*Charles Ray Carter, # 246054*  
*v. South Carolina Department of Corrections*)

Dear Madam Clerk:

Enclosed, please find my Entry of Appearance. Please kindly delete Mr. Florian's name as associated counsel for this case and add me as the counsel of record. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Crooks III".

Daniel J. Crooks III, Esquire

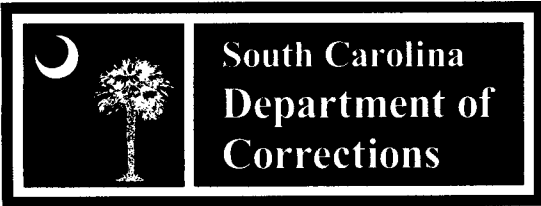
Enclosure

Cc: Charles Ray Carter, # 246054  
Ridgeland Correctional Institution

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

OFFICE OF GENERAL COUNSEL

August 22, 2014

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

Reference: App. Case No.: 2014-001060 (*Charles Ray Carter, # 246054*  
*v. South Carolina Department of Corrections*)

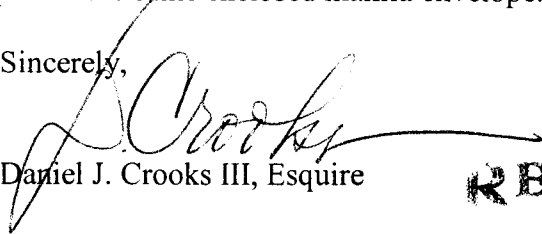
Dear Madam Clerk:

I am assigned counsel for Respondent in the above-referenced case. Enclosed herein, please find:

- (1) One (1) original and seven (7) copies of ***Respondent's Motion to File Out of Time***. Kindly file the original and return one copy to my attention in the enclosed self-addressed, stamped envelope.
- (2) One (1) original and (1) copy of ***Respondent's Designation of Matter***. Kindly file the original and return one copy to my attention in the enclosed self-addressed, stamped envelope.
- (3) One (1) original and (1) copy of ***Respondent's Initial Brief***. Kindly file the original and return one copy to my attention in the enclosed self-addressed, stamped envelope.

If you would, please mail all of the return copies in the same enclosed manila envelope.

Sincerely,

  
Daniel J. Crooks III, Esquire

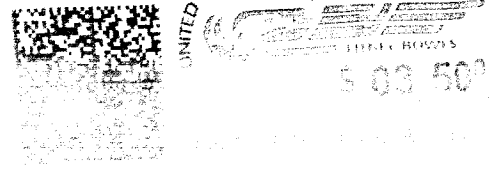
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Enclosures

Cc: Charles Ray Carter, # 246054  
Ridgeland Correctional Institution

**SC Court of Appeals**



South Carolina  
Department of  
Corrections

*D. Crooks*

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

Ms. Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29201

*29211*

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