

STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable Carolyn C. Matthews, Administrative Law Court Judge

SC Court of Appeals

Appellate Case No. 2014-000773

Kenneth William Green, #116020..... Appellant

v.

South Carolina Department of
Probation, Parole, and Pardon Services..... Respondent

**APPELLANT'S MOTION
TO DENY RESPONDENT'S MOTION TO DISMISS
THE RECORD ON APPEAL AS PREMATURE**

The *pro se* Appellant, Kenneth W. Green, respectfully requests this Honorable Court to deny Respondent's September 9, 2014 Motion to Dismiss Appellant's Record on Appeal as Premature.


Appellant submits Respondent did file a Motion to Deny Appellant's Designation of Matter, dated August 7, 2014. Appellant asserts that the August 7, 2014 motion *did not request a stay of proceedings* pending determination of the motion. Therefore, pursuant to Rule 240(b), SCACR, *unless* otherwise provided by [these] Rules [only motions to dismiss appeal or relieve counsel], or ordered by the appellate court [which has not], the time limits imposed by these Rules [Rule 210(b)], *shall not be stayed by the filing of a motion or petition.*

There being no request to stay contained within Respondent's August 7th motion, if Appellant here failed to file the Record on Appeal and Final Brief pursuant to the time limits set forth in Rules 210 and 211, SCACR, respectively [Appellant's final brief was due September 11, 2014], Appellant would have been subject to a motion to dismiss the appeal for failure to comply with filing dates by Respondent.

Appellant submits in good faith that the material in the Record on Appeal objected to by Respondent was raised to and ruled upon by the lower court; the motion to introduce, the material in question, and the lower court's order are the subject of Ground Three of the instant appeal.

WHEREFORE, Appellant respectfully prays this Honorable Court deny Respondent's September 9, 2014 Motion to Dismiss Appellant's Record on Appeal as Premature.

Respectfully submitted,



KENNETH WILLIAM GREEN

#116020

Lieber Correctional Institution

Post Office Box 205

Ridgeville, South Carolina 29472

APPELLANT, *pro se*

September 15, 2014

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable Carolyn C. Matthews, Administrative Law Court Judge

Appellate Case No. 2014-000773

Kenneth William Green, #116020..... Appellant

v.

South Carolina Department of
Probation, Parole, and Pardon Services Respondent

PROOF OF SERVICE

The undersigned hereby certifies that he has served a true and correct copy of Appellant's Motion to Deny Respondent's Motion to Dismiss the Record on Appeal as Premature, by placing a copy in the U.S. Mail, first-class postage affixed thereto, this 17th day of September, 2014, addressed as follows:

Tommy Evans, Esq.
General Counsel
S. C. Dept. of Probation, Parole, and Pardon Services
P.O. Box 50666
Columbia, SC 29501

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SC Court of Appeals

Kenneth W. Green

KENNETH WILLIAM GREEN
#116020
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

APPELLANT, pro se

Kenneth William Green
#116020
Lieber Correctional Institution SA-29
P.O. Box 205
Ridgeville, SC 29472

September 16, 2014

The Honorable V. Claire Allen
Deputy Clerk
Court of Appeals of South Carolina
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Kenneth William Green v. SCDPPPS*
Appellate Case No. 2014-000773

Dear Ms. Allen:

Please find enclosed for filing in the above-referenced appeal the Original and six (6) copies of Appellant's Motion to Deny Respondent's Motion to Dismiss the Record on Appeal as Premature. Also enclosed is proof of service on counsel for Respondents.

Your assistance in this matter is sincerely appreciated.

With kindest regards, I remain,

Sincerely,



Kenneth William Green
APPELLANT, *pro se*

Cc: Tommy Evans, Esq.

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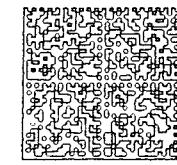
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SC Court of Appeals

Ken [redacted]
[redacted]

Lieber Corr. Inst. SA-29
PO Box 205
Ridgexville, SE 29472

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SC Court of Appeals

The Honorable V. Claire Allen
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