

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Carolyn C. Matthews, *Administrative Law Judge*

Lower Case No. 13-ALJ-04-0926-AP

Appellate Case No. 2014-001684

RECEIVED

DEC 29 2014

SC Court of Appeals

Matthew C. Fullbright, # 349468,.....Appellant,

v.

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

**MOTION TO DISMISS APPEAL OR, ALTERNATIVELY, TO SUMMARILY
AFFIRM PURSUANT TO RULE 220(C), SCACR**

COMES NOW, Respondent, South Carolina Department of Corrections (SCDC or Department) and, pursuant to Rule 240, SCACR, moves this Honorable Court for an order dismissing this appeal or, alternatively, summarily affirming the decision below pursuant to Rule 220(c).

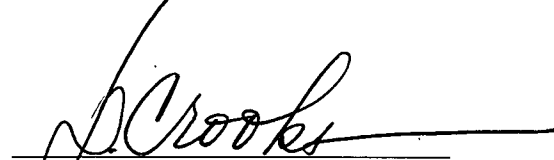
Appellant has filed an appeal challenging the Administrative Law Court's (ALC) remand of a case to the Department. In response to this remand, the Department wrote a letter to Judge Matthews (see Appellant's filing of September 2, 2014, beginning on page 12). In that letter, the Department explained how it intended to proceed in light of the remand. Subsequently, in response to correspondence from Appellant, Judge Matthews

wrote to Appellant and explained that the Department had already returned to Appellant that material to which he was permitted access (see Appellant's filing of September 2, 2014, beginning on page 31).

Therefore, in light of the unique procedural posture of this appeal, and considering that Appellant's rights are not prejudiced by Judge Matthews' May 21, 2014 Order of Remand or the Department's interpretation of that Order, the Department respectfully requests that the Court dispense with further briefing in this case and either dismiss this appeal or, in the alternative, summarily affirm Judge Matthews' May 21, 2014 Order of Remand pursuant to Rule 220(c), SCACR.

WHEREFORE the Department so moves in the interest of judicial economy and because of the unique procedural posture of this appeal.

Respectfully submitted,



Daniel J. Crooks III
Staff Attorney
S.C. Department of Corrections
P.O. Box 21787
Columbia, South Carolina 29221
(803) 896-19355 [direct]

Counsel for Respondent

Signed at Columbia, South Carolina

on this 23rd day of December, 2014

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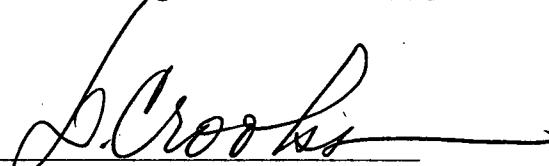
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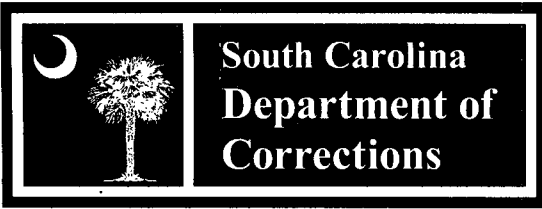
South Carolina Department of Corrections.....Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **MOTION TO DISMISS APPEAL OR, ALTERNATIVELY, TO SUMMARILY AFFIRM PURSUANT TO RULE 220(C), SCACR** upon Appellant by depositing a copy of same in the United States Mail on December 23, 2014, addressed to: Matthew B. Fullbright, #349468, Lieber Correctional Institution, P. O. Box 205, Ridgeville, S.C. 29472.


Daniel J. Crooks III
Staff Attorney
S.C. Department of Corrections
P.O. Box 21787
Columbia, South Carolina 29221
(803) 896-19355 [direct]

Dated: December 23, 2014



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

OFFICE OF GENERAL COUNSEL

December 23, 2014

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SC Court of Appeals

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

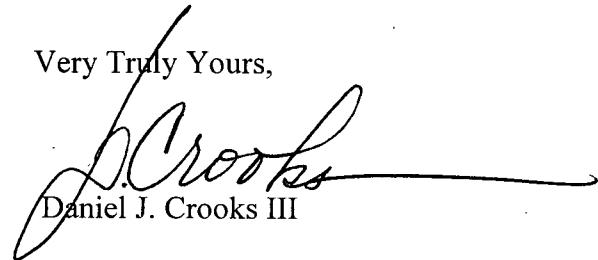
Reference: App. Case No.: 2014-001684
Matthew B. Fullbright # 349468 v. S.C. Department of Corrections

Dear Ms. Kitchings:

Enclosed, please find one (1) original and one (1) copy of Respondent's *Motion to Dismiss Appeal or, Alternatively, to Summarily Affirm Pursuant to Rule 220(c), SCACR*. Kindly file the original and stamp and return the clocked-in copy to me.

Thank you for your assistance.

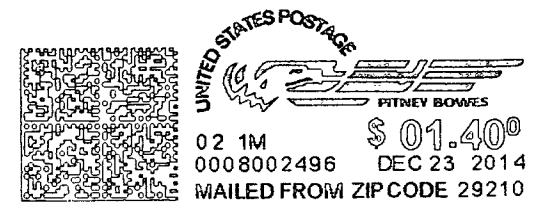
Very Truly Yours,



Daniel J. Crooks III

Enclosures

cc: Matthew B. Fullbright, #349468
Lieber Correctional Institution
P. O. Box 205
Ridgeville, S.C. 29472



South Carolina
Department of
Corrections

Office of General Counsel
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Columbia, South Carolina 29221-1787

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