

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

OFFICE OF GENERAL COUNSEL

December 22, 2014

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

RECEIVED

DEC 29 2014

SC Court of Appeals

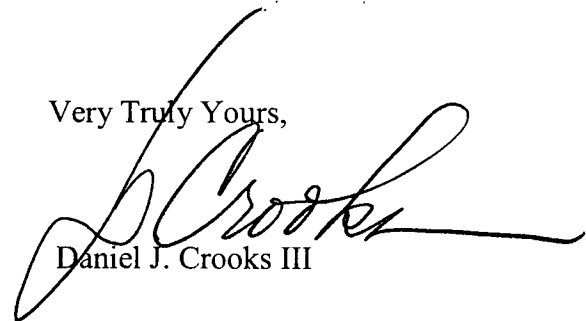
Reference: App. Case No.: 2014-002173
Anthony Erving, # 220446 v. S.C. Department of Corrections

Dear Ms. Kitchings:

Enclosed, please find one (1) original and one (1) copy of *Respondent's Motion to Strike*. 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: Anthony Erving, #220446
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Carolyn C. Matthews, *Administrative Law Judge*

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Lower Case No. 14-ALJ-04-0444-IJ
Appellate Case No. 2014-002173

SC Court of Appeals

Anthony Erving, # 220446,.....Appellant,

v.

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

RESPONDENT'S MOTION TO STRIKE

COMES NOW, Respondent, South Carolina Department of Corrections (SCDC or Department) and, pursuant to Rule 240, SCACR, moves this Honorable Court for an order striking from Appellant's *Designation of Matter* the following extraneous and unnecessary items not relevant to the instant appeal, the sole issue of which is whether the Administrative Law Court erred in dismissing the appeal below under well-established precedents that encourage dismissal when no state-created liberty or property interest is implicated.

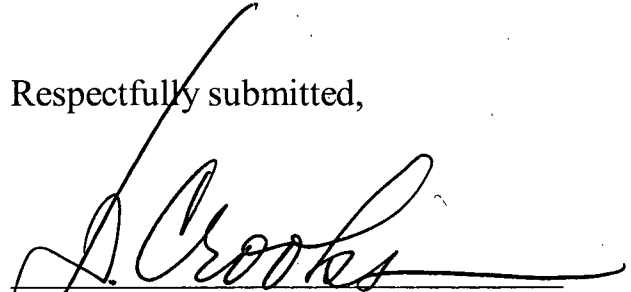
Therefore, Respondent moves to strike:

1. Appellant's *first* designation: "All institutional classifications (I.C.C.) documents and evidence used in hearing determination of Appellant's transfer hearing." This information is unnecessary to resolution of this appeal and contains irrelevant information.
2. Appellant's *second* designation: "Transcript and or tape of I.C.C. hearing." This information is unnecessary to resolution of this appeal and contains irrelevant information.
3. Appellant's *third* designation: "All documents and evidence used to provide basis for warden's Step 1 grievance decision." This information is unnecessary to resolution of this appeal and contains irrelevant information.
4. Appellant's *fourth* designation: "All documents and evidence used to provide basis for officials' Step 2 grievance decision." This information is unnecessary to resolution of this appeal and contains irrelevant information.
5. Appellant's *seventh* designation: "Appellant's 'Motion to Amend Record' filed Aug. 28, 2014." This information is unnecessary to resolution of this appeal and contains irrelevant information.

6. Appellant's *eleventh* designation: "Electronic request (ER) #14-165815 dated 7/23/2014." This information is unnecessary to resolution of this appeal and contains irrelevant information.
7. Appellant's *twelfth* designation: "ER #14-167723 dated 7/23/2014." This information is unnecessary to resolution of this appeal and contains irrelevant information.
8. Appellant's *thirteenth* designation: "ER #14-169969 dated 8/5/2014." This information is unnecessary to resolution of this appeal and contains irrelevant information.
9. Appellant's *fourteenth* designation: "ER #14-194603 dated 8/5/2014." This information is unnecessary to resolution of this appeal and contains irrelevant information.
10. Appellant's *fifteenth* designation: "ER #14-204500 dated 9/2/2014." This information is unnecessary to resolution of this appeal and contains irrelevant information.
11. Appellant's *sixteenth* designation: "ER #14-278728 dated 10/8/2014." This information is unnecessary to resolution of this appeal and contains irrelevant information.

WHEREFORE, Respondent moves this Honorable Court for an order striking the aforementioned designations from Appellant's *Designation of Matter*.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Crooks III", written over a horizontal line.

Daniel J. Crooks III
Staff Attorney
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-1355 [direct]

Counsel for Respondent

Signed at Columbia, South Carolina

on this 22nd day of December, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Anthony Erving, # 220446,.....Appellant,

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


CERTIFICATE OF SERVICE

I, Daniel J. Crooks III, counsel for Respondent, hereby certify that on today's date I mailed a copy of the foregoing *Respondent's Motion to Strike* to Appellant, addressed at:

Anthony Erving, #220446
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067

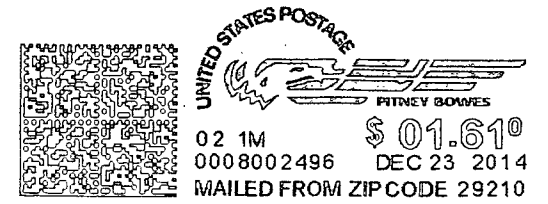
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Daniel J. Crooks III
Staff Attorney
Office of General Counsel
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Counsel for Respondent



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Corrections

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