

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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JUN 26 2015

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Appellate Case # 2015-000797

Deonta Brinston Respondent

v.

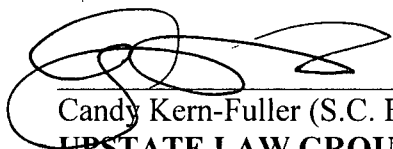
South Carolina Department of Criminal Justice Appellant

DESIGNATION OF MATTERS

Appellant designates the following items for inclusion in the Record on Appeal:

- 1) Hearing Officer Robin Morse's Recommendation to the CJATC;
- 2) Email from Brandy Duncan, Esq., dated 10/15/2014;
- 3) Final Agency Decision;
- 4) Brinston's Reply to Motion to Dismiss and all attachments;
- 5) Administrative Law Court Decision of the Honorable Shirley C. Robinson, Administrative Law Judge on S.C. Dept. of Criminal Justice's Motion to Dismiss;
- 6) Administrative Law Court Decision of the Honorable Shirley C. Robinson, Administrative Law Judge on Appeal;
- 7) ACSO General Orders 107, 111, and 138;
- 8) Anderson County Code, §55-52;
- 9) Labels from Test PSI, MassX and ADT submitted at CJATC hearing;
- 10) Tr. pp. 6, 14-16, 19, 21-22, 25-27, 31-34, 38, 41-44, 46-47

IN ACCORDANCE WITH THE SOUTH CAROLINA RULES OF APPELLATE PROCEDURE, COUNSEL FOR APPELLANT AFFIRMS THAT THESE DESIGNATIONS ONLY CONTAIN NECESSARY MATERIALS.



Candy Kern-Fuller (S.C. Bar No. 11392)

UPSTATE LAW GROUP, LLC

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Candy@UpstateLawGroup.com

June 3, 2015

ATTORNEY FOR RESPONDENT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Shirley C. Robinson, Administrative Law Judge

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South Carolina Department of Criminal Justice..... Appellant

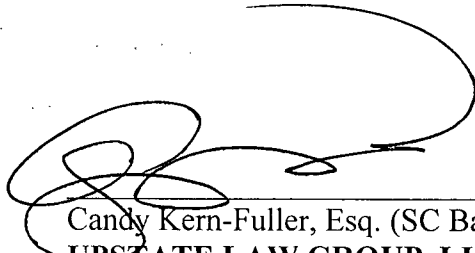
PROOF OF SERVICE

I certify that I have filed an original of the Respondent's Initial Brief and Designation of Matters, and an original and six copies of the Motion to Accept Brief Out of Time along with this Proof Service and filing fee upon the Clerk of the South Carolina Court of Appeals this June 22, 2015 by regular U.S. Mail to:

The Honorable Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

I further affirm that I have served one copy of the same upon Counsel for Appellant by regular U.S. Mail to:

Brandy A. Duncan, Chief General Counsel
SC Bar #72052
5400 Broad River Road
Columbia, South Carolina 29212



Candy Kern-Fuller, Esq. (SC Bar No. 11392)

UPSTATE LAW GROUP, LLC

200 E. Main Street

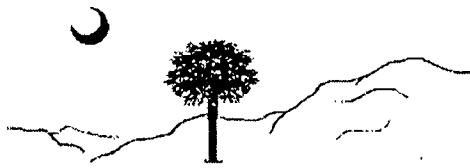
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June 22, 2015

ATTORNEY FOR RESPONDENT



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Partner
Nicole L. Thornton, Esq.
Associate

June 22, 2015

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Re: Brinston v. SC Dept. of Criminal Justice
Appeal # 2015-000797

Dear Ms. Kitchens:

My assistant previously called the Court on or about June 10, 2015 to determine whether the Respondent's brief in this matter had been received by the Court given the prior difficulties in this case.

On Friday, June 19, 2015, we received a letter dated June 11, 2015 asking that we file the brief along with a Motion to file the document out of time.

Enclosed is the Brief we sent on June 3, 2015 and the requested motion with the USPS receipt for the same. We tracked the packages and the USPS can find no record of them. So, it is my assumption that the briefs never reached their destinations despite our efforts.

Please let me know if you require anything further to process this request.

Thank you for your time and consideration of this matter.

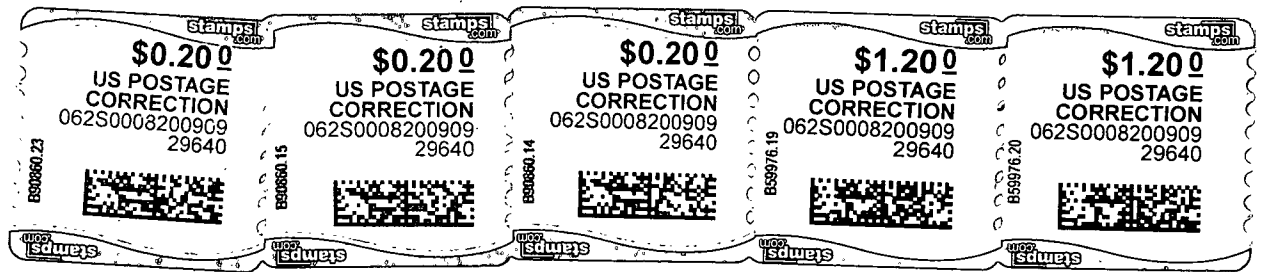
With kindest regards,


Candy M. Kern-Fuller, Esq.

Encl.

Cc: Brandy Duncan, Esq.

Upstate Law Group
200 E. Main Street
Easley, S.C. 29640



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