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August 17, 2012

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

SC Court of Appeals  
AUG 20 2012  
RECEIVED

Re: Fred Gatewood, #289775 v. SCDC  
Appellate Case No. 2012-212574

Dear Ms. Kitchings:

Please find enclosed for filing with the Court (1) the original Initial Brief of Appellant Fred Gatewood and Proof of Service and (2) the original Designation of Matter to be Included in the Record on Appeal and Proof of Service, for the above captioned appeal.

By copy of this letter, I have this date served a copy of these documents on Christopher D. Florian, Esquire of the Department of Corrections, and counsel of record for the Department, Katherine Phillips, Esquire.

The notice of appeal in this case was filed on July 18, 2012. Therefore, Gatewood's Initial Brief is due today, August 17.

On August 6, Gatewood filed his Motion to Suspend Briefing Schedule with the Court. On August 16, I discussed this matter with Mr. Gatewood. He requested that I file the Initial Brief unless I received confirmation that the briefing schedule was suspended. Also on August 16, I called the Clerk's Office (Lori), which indicated that briefing was on "administrative hold". She also stated that if the Court denied the Motion to Suspend, time would be allowed to file the brief. I believe she also indicated if the appeal were dismissed, Gatewood could file for reinstatement.

SCACR 240(b) states that, unless otherwise provided in the rules or ordered by the Court, the time limits imposed by the rules shall not be stayed by filing a motion. Moreover, I have not received clear instructions from the Clerk that deadlines are suspended. Cf, Francis Ackerman, #266928, et al. v. SCDC, Appellate Case No. 2012-210588 (June 28 letter from Deputy Clerk stating "timelines for this appeal will be held in abeyance pending the Court's decision on the current motions").

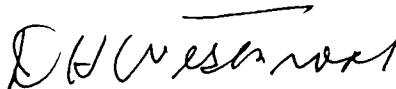
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Therefore, out of caution appellant Gatewood respectfully requests that the within Initial Brief and Designation of Matter be filed. I trust that the Court will understand the difficult situation presented and the need for Mr. Gatewood to protect his interests under the rules.

Sincerely,

A handwritten signature in cursive script, reading "D H Westbrook". The signature is written in dark ink and is positioned above the printed name.

Douglas H. Westbrook

DHW/

Encl.

cc: Fred Gatewood (w/out encl.)  
Christopher D. Florian, Esquire  
Katherine Phillips, Esquire