

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SEP 21 2015

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY

J. Cordell Maddox, Jr., Circuit Court Judge

Trial Court Case No. 2014-CP-23-5969
Appellate Case No. 2015-000759

Billy Joe Cartrette, Appellant,

v.

South Carolina Department of Corrections, Respondent.

**THE RESPONDENT’S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Respondent, by and through its undersigned counsel, respectfully proposes the following matter to be included in the Record on Appeal in the instant case:

1. “Order Granting the Defendant’s Motion to Dismiss the Plaintiff’s ‘Complaint for Declaratory Judgment(s)’” signed by the Honorable J. Cordell Maddox, Jr., on March 12, 2015 and filed March 27, 2015.
2. Form 4 Order signed by the Honorable J. Cordell Maddox, Jr., on February 13, 2015 and filed March 5, 2015.
3. Entirety of transcript from hearing conducted by the Honorable J. Cordell Maddox, Jr. on February 13, 2015 regarding the Respondent’s Motion to Dismiss the Appellant’s “Complaint for Declaratory Judgment(s).”
4. Entirety of the sole exhibit introduced by the Appellant and admitted by the Honorable J. Cordell Maddox, Jr., during the hearing he conducted on February 13, 2015 regarding the Respondent’s Motion to Dismiss the Appellant’s “Complaint for Declaratory Judgment(s).”

5. Appellant's Opposition to the Respondent's Motion to Dismiss the Appellant's "Complaint for Declaratory Judgment(s)" and Allied Exhibits dated December 30, 2015.
6. Respondent's Answer to the Appellant's "Complaint for Declaratory Judgment(s)" dated December 18, 2014 and filed December 23, 2014.
7. Respondent's Motion to Dismiss the Appellant's "Complaint for Declaratory Judgment(s)" dated December 18, 2014 and filed December 29, 2014.
8. Appellant's "Complaint for Declaratory Judgment(s)" dated September 25, 2014 and filed October 31, 2014.
9. Remittitur issued March 12, 2012 by the Clerk of the South Carolina Supreme Court regarding the matter styled as the *S.C. Dep't of Corr. v. Billy Joe Cartrette*, #122434, Trial Court Case No. 2006-CP-27-00095 and 00176.
10. Opinion styled as *S.C. Dep't of Corr. v. Cartrette*, 722 S.E.2d 805 (S.C. 2012) and filed February 22, 2012 by the South Carolina Supreme Court Dismissing as Improvidently Granted the Writ of Certiorari it had Granted to Review the Court of Appeals' Decision in *S.C. Dep't of Corr. v. Cartrette*, 694 S.E.2d 18 (S.C. Ct. App. 2010).
11. Opinion styled as *S.C. Dep't of Corr. v. Cartrette*, 694 S.E.2d 18 (S.C. Ct. App. 2010) and filed May 28, 2010 by the South Carolina Court of Appeals.

For the sake of clarity, the Respondent provides a table immediately below by which it compares the items it designated above for inclusion in the Record in the instant case with the items the Appellant proposed for inclusion in his Designation of Matter to be Included in Record on Appeal dated July 21, 2015:

Description	Item # from Respondent's Above-Provided Designation of Matter	Item # from Appellant's Designation of Matter
"Order Granting the Defendant's Motion to Dismiss the Plaintiff's 'Complaint for Declaratory Judgment(s)'" signed by the Honorable J. Cordell Maddox, Jr., on March 12, 2015 and filed March 27, 2015	1	1
Form 4 Order signed by the Honorable J. Cordell Maddox, Jr., on February 13, 2015 and filed March 5, 2015	2	2

Description	Item # from Respondent's Above-Provided Designation of Matter	Item # from Appellant's Designation of Matter
Entirety of transcript from hearing conducted by the Honorable J. Cordell Maddox, Jr. on February 13, 2015 regarding the Respondent's Motion to Dismiss the Appellant's "Complaint for Declaratory Judgment(s)"	3	3
Entirety of the sole exhibit introduced by the Appellant and admitted by the Honorable J. Cordell Maddox, Jr., during the hearing he conducted on February 13, 2015 regarding the Respondent's Motion to Dismiss the Appellant's "Complaint for Declaratory Judgment(s)."	4	<u>Not</u> designated by the Appellant in his submission dated July 21, 2015
Appellant's Opposition to the Respondent's Motion to Dismiss the Appellant's "Complaint for Declaratory Judgment(s)" <u>and</u> Allied Exhibits dated December 30, 2015	5	5 (The Appellant did <u>not</u> designate his exhibits in his submission dated July 21, 2015)
Respondent's Answer to the Appellant's "Complaint for Declaratory Judgment(s)" dated December 18, 2014 and filed December 23, 2014.	6	6
Respondent's Motion to Dismiss the Appellant's "Complaint for Declaratory Judgment(s)" dated December 18, 2014 and filed December 29, 2014	7	7
Appellant's "Complaint for Declaratory Judgment(s)" dated September 25, 2014 and filed October 31, 2014	8	8
Remittitur issued March 12, 2012 by the Clerk of the South Carolina Supreme Court regarding the matter styled as the <i>S.C. Dep't of Corr. v. Billy Joe Cartrette</i> , #122434, Trial Court Case No. 2006-CP-27-00095 and 00176	9 <hr/> Also appears in the exhibits supporting the Appellant's Opposition to the Respondent's Motion to Dismiss (see #5 above)	9

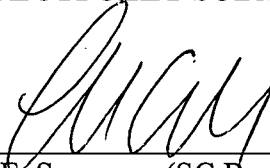
Description	Item # from Respondent's Above-Provided Designation of Matter	Item # from Appellant's Designation of Matter
Opinion styled as <i>S.C. Dep't of Corr. v. Cartrette</i> , 722 S.E.2d 805 (S.C. 2012) and filed February 22, 2012 by the South Carolina Supreme Court Dismissing as Improvidently Granted the Writ of Certiorari it had Granted to Review the Court of Appeals' Decision in <i>S.C. Dep't of Corr. v. Cartrette</i> , 694 S.E.2d 18 (S.C. Ct. App. 2010).	10 Slip Opinion appears in the exhibits supporting the Appellant's Opposition to the Respondent's Motion to Dismiss (see #5 above)	<u>Not</u> designated by the Appellant in his submission dated July 21, 2015
Opinion styled as <i>S.C. Dep't of Corr. v. Cartrette</i> , 694 S.E.2d 18 (S.C. Ct. App. 2010) and filed May 28, 2010 by the South Carolina Court of Appeals.	11 Slip Opinion appears in the exhibits supporting the Appellant's Opposition to the Respondent's Motion to Dismiss (see #5 above)	<u>Not</u> designated by the Appellant in his submission dated July 21, 2015

The Respondent did not include the following 11 items proposed by the Appellant in his Designation of Matter dated July 21, 2015 in its Designation of Matter, and, as its argues in the Motion to Strike which it contemporaneously files with its instant Designation of Matter, the Respondent respectfully submits that the following 11 items proposed by the Appellant for inclusion in the Record in his Designation of Matter dated July 21, 2015 should not be included in the Record associated with the instant appeal:

Item # from Appellant's Designation of Matter	Verbatim Description Provided by Appellant in his Designation of Matter
4	1-20-15 Request(s) for Admissions
10	5-25-11 'Order'
11	Unpublished Opinion No. 2010-UP-251
12	Wage Estimates 1999 – 2007
13	Excerpts of 9-19-06 tr. – oral argument(s)
14	Wage Estimates 1999 – 2003 (Section Leader)

Item # from Appellant's Designation of Matter	Verbatim Description Provided by Appellant in his Designation of Matter
15	Wage Estimates 1999 – 2003
16	Earning and Deduction Statement Payroll Date Oct. 2003
17	Earning and Deduction Statement Payroll Date Mar. 2002
18	Earning and Deduction Statement Payroll Date Feb. 1999
19	Excerpt(s) of Contract

RESPECTFULLY SUBMITTED:



September 21, 2015

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Counsel for the Respondent

Pro Se Appellant:

Billy Joe Cartrette, #122434
 RCI, CA-52, POB 2039
 Ridgeland, South Carolina 29936

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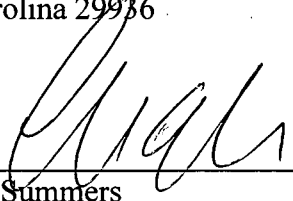
South Carolina Department of Corrections, Respondent.

PROOF OF SERVICE

I certify that I have served **THE RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on the above named *pro se* Appellant by mailing a copy to him, first class postage pre-paid, at the following address:

Billy Joe Cartrette, #122434
RCI, CA-52, POB 2039
Ridgeland, South Carolina 29936

September 21, 2015



Lake E. Summers