

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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JAN 19 2016  
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
The Honorable H.W. Funderburk, Jr.  
Administrative Law Judge

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Case No. 15-ALC-15-0047-AP

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SOUTH CAROLINA DEPARTMENT OF PROBATION,  
PAROLE AND PARDON SERVICES,

Appellant.

v.

JAMES TINSLEY, #171943,

Respondent,

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**MOTION TO STAY TIMELINES**

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Comes now, Matthew C. Buchanan, General Counsel for the South Carolina Department of Probation, Parole and Pardon Services (the Department), and respectfully requests this Court to Stay the Timelines of Appellant's filing of the Initial Brief pending the Court's decision in the matter of James Tinsley v. SCDPPPS, Appellate Case Number 2015-000196, currently pending before this court.

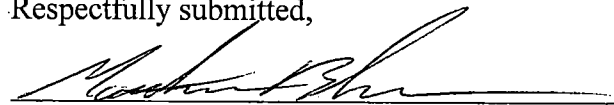
On January 23, 2015, the Respondent filed a Notice of Appeal, appealing an Administrative Law Court (ALC) Order, in which the ALC affirmed the Board's decision to deny Respondent parole. Respondent argued that the Board relied on inaccurate information when it denied him parole. The ALC ordered that it does not have jurisdiction to review the factual basis for the Board's decision and therefore affirmed the Board's decision. This case (2015-000196) is

pending before the Court.

At the case at hand, Appellant is appealing an order from the ALC contradicting the previous ALC order in which Respondent filed another appeal before the ALC dated August 25, 2015, in which Respondent again argued that the Board relied on inaccurate information when it denied him parole. However, this time, the ALC ordered that there was no concise and explicit statement of the underlying facts supporting the findings to deny parole and remanded the case back to the Board to conduct a new hearing.

Therefore, Appellant respectfully requests that all timelines in this appeal be held in abeyance pending the outcome in the case of James Tinsley v. SCDPPPS, case number (2015-000196).

Respectfully submitted,



**Matthew C. Buchanan**

**General Counsel**

South Carolina Department of Probation,

Parole and Pardon Services

P. O. Box 50666

Columbia, South Carolina 29250

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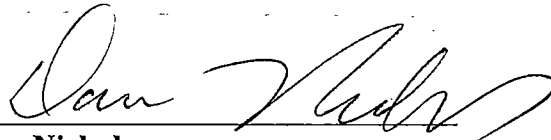
JAMES TINSLEY, #171943,

Respondent,

**CERTIFICATE OF SERVICE**

I, Dawn Nichols, Executive Assistant, hereby certify that a copy of the within Motion to Stay Timelines has been served upon the Respondent this 15<sup>th</sup> day of January, 2016, by U. S. Mail, postage prepaid as follows:

James Tinsley, #171943  
Allendale Correctional Institution-F2B6  
PO Box 1151  
Fairfax, S.C. 29827



**Dawn Nichols,**  
**Executive Assistant**  
South Carolina Department of Probation,  
Parole, and Pardon Services  
P. O. Box 50666  
Columbia, SC 29250  
(803) 734-9220

State of South Carolina  
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY  
Governor



JERRY B. ADGER  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440  
[www.state.sc.us/ppp](http://www.state.sc.us/ppp)

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January 15, 2016

The Honorable Jenny Kitchings  
Clerk of the South Carolina Court of Appeals  
1015 Sumter Street- 5<sup>th</sup> Floor  
Columbia, South Carolina 29201

RE: SCDPPPS v. James Tinsley

Dear Ms. Kitchings:

Please find enclosed the original and six copies of Appellant's Motion to Stay Timelines in the above case, along with a Certificate of Service.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan", written over a horizontal line.

Matthew C. Buchanan  
General Counsel

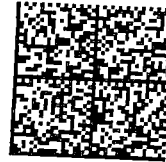
TE:dn  
Enclosures

cc: James Tinsley, #171943

State of South Carolina

Department of Probation, Parole, and Pardon Services

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The Honorable Jenny Kitchings  
Clerk of the South Carolina Court of Appeals  
1015 Sumter Street- 5<sup>th</sup> Floor  
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