

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Shirley C. Robinson

ALC Case No. 14-ALJ-04-0927-AP
Appellate Case No. 2015-001761

RECEIVED

FEB 01 2016

SC Court of Appeals

JOHN ALEXANDER, # 194748,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO FILE FINAL BRIEF OUT OF TIME

Comes now Respondent, through undersigned counsel, and requests leave to file its Final Brief of Respondent out of time. The reason for this request is as follows. Respondent filed its Initial Brief on November 30, 2015. Between November 30, 2015 and January 26, 2016, Appellant served several documents, but none of these documents constituted a proper Record on Appeal and none of them were labeled "Record on Appeal." On January 28, 2016, Respondent received a letter from this Court stating that Respondent's Final Brief should have been filed and instructing that the Final Brief must be filed within ten days along with a motion requesting permission to file the brief out of time. Undersigned counsel then reviewed the case filings on the C-Track website and discovered that Appellant had filed a Record on Appeal (which Respondent did not

receive until January 28, 2016, when undersigned counsel printed it off of the C-Track website) along with a Proof of Service stating the Record on Appeal was served on December 29, 2015. Again, however, Respondent did not receive this Record on Appeal or the Proof of Service from Appellant.

In light of the foregoing, Respondent respectfully requests that this Court permit it to file the accompanying Final Brief of Respondent out of time.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

CHRISTINA CATOE BIGELOW
Deputy General Counsel
Office of General Counsel
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Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

February 1, 2016

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the **Motion to File Final Brief Out of Time** to Appellant via U.S. Mail addressed as follows:
John Alexander, # 194748, McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899.



Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

February 1, 2016



South Carolina
Department of
Corrections

OFFICE OF GENERAL COUNSEL

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

February 1, 2016

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: John Alexander, # 194748, v. South Carolina Department of Corrections
Appellate Case No. 2015-001761

Dear Ms. Kitchings:

Enclosed please find the original and fourteen copies of the **Final Brief of Respondent**, along with **Proof of Service** for the same. Also enclosed is the original and six copies of Respondent's **Motion to File Final Brief Out of Time**, along with **Proof of Service** for the same.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: John Alexander, # 194748
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina 29899