

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

ALC Case No. 15-ALJ-04-0178-AP
Appellate Case No. 2015-002343

BILLY LEE LISENBY, JR., # 200273,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO FILE INITIAL BRIEF OUT OF TIME

Comes now Respondent, through undersigned counsel, and requests leave to file its Initial Brief of Respondent out of time. The reason for this request is as follows. Undersigned counsel learned of the existence of this case today while preparing for a Spartanburg County hearing involving Appellant. Undersigned counsel immediately researched the status of the case and discovered that the case was pending in this Court and that undersigned counsel's name was listed as counsel for Respondent. Note that undersigned counsel was not involved in the case below; instead, Stephen Lunsford, Staff Attorney in the SCDC Office of General Counsel, represented Respondent below. Undersigned counsel has not actually received any of the filings in this case, to include the Notice of Appeal, Initial Brief of Appellant, and the Record on Appeal. If the SCDC

Office of General Counsel received these documents, undersigned counsel is unaware of such receipt and would further note that Mr. Lisenby has numerous ALC, appellate, and habeas corpus cases, and these filings could possibly have been misplaced in another file by a staff member.

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

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

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

ATTORNEY FOR RESPONDENT

February 18, 2016

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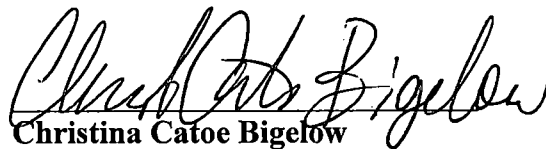
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the **Motion to File Initial Brief out of Time** to Appellant via U.S. Mail addressed as follows:
Billy Lee Lisenby, Jr., # 200273, Ridgeland Correctional Institution, Post Office Box 2039,
Ridgeland, South Carolina 29936.



Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
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February 18, 2016



South Carolina
Department of
Corrections

OFFICE OF GENERAL COUNSEL

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

February 18, 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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FEB 18 2016

SC Court of Appeals

RE: Billy Lee Lisenby, Jr., # 200273, v. South Carolina Department of Corrections
Appellate Case No. 2015-002343

Dear Ms. Kitchings:

Enclosed please find the **Initial Brief of Respondent** along with Respondent's **Designation of Matter** and **Proof of Service** for the same. Also enclosed is the original and six (6) copies of Respondent's **Motion to File Initial 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: Billy Lee Lisenby, Jr., # 200273
Ridgeland Correctional Institution
Post Office Box 2039
Ridgeland, South Carolina 29936