

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

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APR 22 2016

SC Court of Appeals

BILLY LEE LISENBY, JR., # 200273,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**MOTION TO REQUIRE APPELLANT TO FILE A CORRECTED OR
SUPPLEMENTAL RECORD ON APPEAL**

Comes now Respondent, through undersigned counsel, and requests that this Court require Appellant to file a corrected or supplemental Record on Appeal. The relevant facts supporting this request are as follows.

Appellant filed a Notice of Appeal in this case on November 16, 2015. His Motion to Proceed In Forma Pauperis was granted on December 29, 2015. Appellant then filed his Initial Brief on January 4, 2016 and his Designation of Matter on January 8, 2016. On February 1, 2016, Appellant filed a premature Record on Appeal. Thereafter, on February 18, 2016, undersigned counsel submitted an Initial Brief of Respondent and Designation of Matter along with a Motion to Allow Late Filing. By order dated

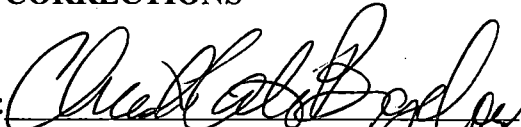
February 25, 2016, this Court granted Respondent's Motion to Allow Late Filing and accepted Respondent's Initial Brief and Designation of Matter as filed.

The prematurely-filed Record on Appeal submitted by Appellant on February 1, 2016 does not contain all of the material designated by Respondent in its Designation of Matter filed February 18, 2016. In fact, the only document contained in Appellant's prematurely-filed Record on Appeal is the Respondent's Brief from the Administrative Law Court filings.

Because Appellant has not filed a proper Record on Appeal containing all the documents designated, Respondent cannot file a proper Final Brief of Respondent with correct record references. Accordingly, Respondent respectfully requests that this Court require Appellant to file either a corrected Record on Appeal or file a supplemental Record on Appeal containing the documents designated by Respondent. Respondent further requests that this Court hold the time period for any filings in abeyance pending resolution of this motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 
CHRISTINA CATOE BIGELOW

Deputy General Counsel
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Columbia, South Carolina 29221
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ATTORNEY FOR RESPONDENT

April 22, 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 Require Appellant to File a Corrected or Supplemental Record on Appeal** 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
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April 22, 2016



South Carolina
Department of
Corrections

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

OFFICE OF GENERAL COUNSEL

April 22, 2016

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

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Respondent's **Motion to Require Appellant to File a Corrected or Supplemental Record on Appeal**, 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