

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Ralph K. Anderson, III, Administrative Law Judge  
Dock. No. 07-ALJ-04-00517-AP

Fred Gatewood..... Appellant,

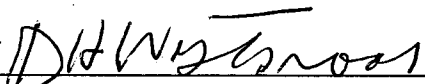
v.

South Carolina Department of Corrections..... Respondent.

NOTICE OF APPEAL

Fred Gatewood appeals the order of remand of The Honorable Ralph K. Anderson, III dated June 13, 2017.\* Gatewood received a copy of the order on June 15, 2017.

July 14, 2017.

  
Douglas H. Westbrook, #6039  
23 Broad St.  
Charleston, SC 29401  
(843) 853-9600  
Attorney for Fred Gatewood

Other Counsel of Record:  
Lake E. Summers, Esquire  
Malone, Thompson, Summers & Ott, LLC  
339 Heyward St.  
Suite 200  
Columbia, SC 29201  
(803) 254-3300  
Attorney for Respondent  
S.C. Department of Corrections

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\* In Gatewood's petition for a writ of mandamus filed July 13, 2017, he con-

tends the remand is probably interlocutory and not immediately appealable, based on circumstances here and Charlotte-Mecklenburg Hosp. v. DHEC 387 S.C. 265, 267, 692 S.E. 2d 894 (S.C., 2010). However, it is permissible to argue against precedent in the appellate brief (SCACR 217). Thus, it is possible the Court may distinguish Charlotte-Mecklenburg Hosp. based on other circumstances here which were not addressed in that case. Therefore, Gatewood attempts to appeal the remand order to preserve his rights should the Court consider the remand a final order.

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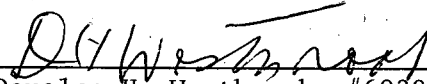
South Carolina Department of Corrections..... Respondent.

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PROOF OF SERVICE  
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I certify that I have served Appellant's Notice of Appeal and the Administrative Law Court's order of June 13, 2017 on The Honorable Ralph K. Anderson, III and the S.C. Department of Corrections, by depositing copies of these documents in the U.S. Mail, postage prepaid, on July 14, 2017, addressed to: The Honorable Ralph K. Anderson, III, Chief Judge, S.C. Administrative Law Court, Edgar A. Brown Building, Suite 224, 1205 Pendleton St., Columbia, SC 29201; and Lake Summers, Esquire, Malone, Thompson, Summers & Ott, LLC, 339 Heyward St., Suite 200, Columbia, SC 29201, attorney of record for Respondent S.C. Department of Corrections.

July 14, 2017.

  
Douglas H. Westbrook, #6039  
23 Broad St.  
Charleston, SC 29401  
(843) 853-9600  
Attorney for Fred Gatewood

DOUGLAS H. WESTBROOK  
ATTORNEY AT LAW  
23 BROAD STREET  
CHARLESTON, SOUTH CAROLINA 29401  
TELEPHONE: (843) 853-9600  
FAX: (843) 577-2241

July 14, 2017

The Honorable Jenny Abbott Kitchings  
Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Fred Gatewood v. SCDC  
Dock. No. 07-ALJ-04-00517-AP

Dear Ms. Kitchings:

Enclosed for filing with the Court is a Notice of Appeal in the above case.

Also enclosed are the Proof of Service, copy of the order being appealed, and a filing fee of \$100.

By copy of this letter, I have this date mailed copies of the Notice of Appeal, Proof of Service and order to Judge Anderson at the ALC and to Lake Summers, counsel of record for SCDC.

Thank you for your assistance in this matter.

Sincerely,



Douglas H. Westbrook

DHW/  
Encl.

cc: The Honorable Ralph K. Anderson, III  
Lake E. Summers, Esquire

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JUL 17 2017

SC Court of Appeals

DOUGLAS H. WESTBROOK

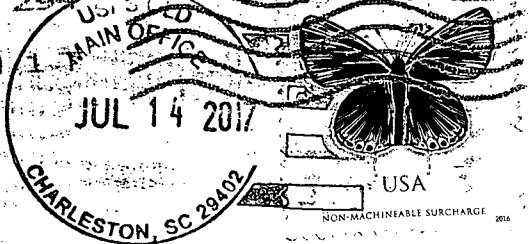
ATTORNEY AT LAW

23 BROAD STREET

CHARLESTON, SOUTH CAROLINA 29401

CHARLESTON SC 29402

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The Honorable Jenny Abbott Kitchings

Clerk

S.C. Court of Appeals

P.O. Box 11629

Columbia, SC 29211

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**SC Court of Appeals**

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