

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Court Judge

Lower Court Case No. 16-ALJ-04-0767-AP
Appellate Case No. 2017-000914

RECEIVED
JUL 26 2017
SC Court of Appeals

Andra B. Jamison, #337461

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 which is correctly paginated for the Court's reference. The relevant facts supporting this request are as follows.

Appellant filed a Notice of Appeal in this case on April 14, 2017. Appellant then filed his Initial Brief and Designation of Matter on May 16, 2017. Thereafter, on June 12, 2017, undersigned counsel submitted an Initial Brief of Respondent and Designation of Matter. On June 21, 2017, Appellant filed a Reply Brief. Appellant then filed the Record on Appeal on July 17, 2017.

The Record on Appeal submitted by Appellant on July 17, 2017 does not contain all of the material designated by Respondent in its Designation of Matter filed June 12, 2017. Specifically, Respondent requested that the Order of Dismissal signed by Judge S. Phillip Lenski be included in the Record. However, Appellant did not include it in the Record.

Additionally, Appellant did not properly paginate the record, which makes it impossible to properly refer to the Record in the Final Brief. Rule 210(b) of the South Carolina Appellate Court Rules requires that “[e]ach page of the Record on Appeal shall be numbered consecutively beginning with the index.” In this case, Appellant merely numbered each document, including those with multiple pages.

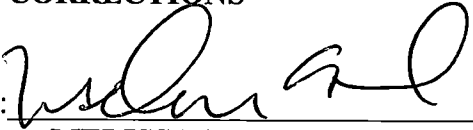
Respondent notes that the copy of Respondent’s Brief included in the Record includes Appellant’s thoughts regarding Respondent’s arguments. Respondent requests that this Court order Appellant to submit all documents for the Record without the editorial comments in the margins.

Because Appellant has not filed a properly paginated 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.

[signature block on the next page]

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

MELISSA J. ARNOLD

Staff Attorney

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ATTORNEY FOR RESPONDENT

July 26, 2017

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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: Andra B. Jamison, #337461, Evans Correctional Institution, 610 Highway 9 West, Bennettsville, South Carolina 29512.


MELISSA J. ARNOLD

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July 26, 2017



HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

July 26, 2017

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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JUL 26 2017

SC Court of Appeals

RE: Andra B. Jamison, #337461, v. South Carolina Department of Corrections
Appellate Case No. 2017-000914

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,

Melissa J. Arnold
Staff Attorney
South Carolina Department of Corrections

cc: Andra B. Jamison, #337461
Evans Correctional Institution
610 Highway 9 West
Bennettsville, South Carolina 29512