

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

Mr. Ernest Battle, #165247
MacDougall Corr. Inst.
1516 Old Gilliard Rd.
Ridgeville, S.C. 29472

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August 2, 2017

AUG 07 2017

RE: Ernest Battle, #165247, v. South Carolina Department of Corrections
Appellate Case No. 2016-002412

SC Court of Appeals

Dear Ms. Kitchings:

I respectfully request that you put the Court on judicial notice that, on the above date, I received a second motion from the Respondent, to the Court, asking that I be required to file a second Corrected or Supplemental Record on Appeal along with proof of Service, in the above captioned case. The Respondent in their second motion is reiterating the exact same complaint that is contained in its first motion to correct or supplement the Record on Appeal. I have forwarded a true copy of all materials within my possession in the Supplemental Record on Appeal. In my cover letter to the Court, I explained that the Final Order from Hon: Judge Durden, was inadvertently lost and I do not have another copy otherwise I would have included it in the Record on Appeal or the Supplemental Record on Appeal. Page (2) that the Respondent is referring to is from the order for briefing issued by judge Durden, not a page from the Final Order. Besides, the Court has issued an Order on July 19, 2017 taking no further action on Respondent's motion. Respondent's brief is overdue and Appellant submits that the Respondent's second motion is for the sole purpose of delay, and Appellant moves this Court for Summary Default Judgement against the Respondent.

Respectfully submitted,

s/ Ernest Battle
Ernest battle, #165247

Mr. Ernest Battle, #165247
MacDougall Correctional Inst.
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