

STATE OF SOUTH CAROLINA
In The Court of Appeals

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AUG 16 2017

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

ALC Case No. 16-ALJ-04-0003-AP
Appellate Case No. 2016-002412

ERNEST BATTLE, # 165247,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

REPLY AND MOTION TO SUPPLEMENT THE RECORD

Respondent, on July 31, 2017, filed a Motion to Require Appellant to File a Second Corrected or Supplemental Record on Appeal. This was due to the Supplemental Record on Appeal, filed by Appellant, missing Administrative Law Judge (ALJ) Durden's Final Order in this matter. Appellant then filed a Response with this Court on August 2, 2017.¹ In his Response, Appellant reiterated that he lost his copy of the Final Order in this matter and, therefore, could not include it in the Record on Appeal. Respondent now requests this Court set aside Respondent's July 31, 2017 motion and consider this motion in its place.

¹ Respondent was not served with Appellant's Response, but retrieved it from C-Track online.

Respondent cites to ALJ Durden's Final Order numerous times in its Initial Brief and must do the same in its Final Brief. Therefore, Respondent respectfully requests that this Court allow Respondent to supplement the record with the Final Order of the Administrative Law Court and to hold the matter in abeyance pending a ruling on this motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**



KENSEY COLLINS

Staff Attorney

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(803) 896-1943

ATTORNEY FOR RESPONDENT

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date she mailed a copy of the **Respondent's Reply and Motion to Supplement the Record on Appeal** to Appellant, addressed as follows: **Ernest Battle, 165247**, MacDougall Correctional Institution, 1516 Old Gillard Road, Ridgeville, South Carolina, 29472.



Kensey E. Collins

Staff Attorney

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South Carolina Department of Corrections

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August 16, 2017



South Carolina
Department of
Corrections

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

August 16, 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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AUG 16 2017

SC Court of Appeals

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

Dear Ms. Kitchings:

Enclosed please find an original and six copies of the Respondent's **Reply and Motion to Supplement the Record** in the above captioned appeal, along with its corresponding **Certificate of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Kensey Collins
Staff Attorney
South Carolina Department of Corrections

cc: Ernest Battle, # 165247
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeland, South Carolina 29472