

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge H.W. Funderburk, Jr.

RECEIVED

SEP 27 2017

ALC Case No. 16-ALJ-04-0730-AP
Appellate Case No. 2017-000694

SC Court of Appeals

JEROME OWENS, # 299108,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO FILE FINAL BRIEF OUT OF TIME

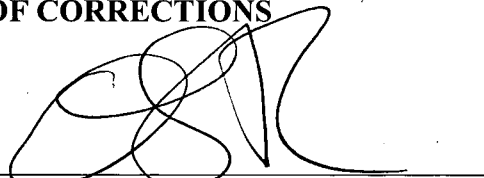
Comes now Respondent, through undersigned counsel, and requests leave to file its Final Brief of Respondent out of time. The reason for this request is as follows. Appellant filed a Notice of Appeal in this case on March 22, 2017. Appellant then filed his Initial Brief on May 4, 2017 and his Designation of Matter on May 8, 2017. Thereafter, on May 22, 2017, undersigned counsel submitted an Initial Brief of Respondent and Designation of Matter. On August 18, 2017, Appellant filed the Record on Appeal. Since the Record was filed on August 18, 2017, Final Briefs were due September 7, 2017. However, Appellant did not paginate the record so on September 1, 2017, Respondent filed a Motion to Require Appellant to File a Corrected Record on Appeal asking that Appellant be required to file a paginated record and requesting that

the Court hold filing deadlines in this case in abeyance until the motion was resolved. On September 21, 2017, the Court denied Respondent's September 1, 2017 motion and directed that the pagination as indicated in the pdf file of the record available on the public index be used. The Court did not address Respondent's request regarding deadlines.

In light of the foregoing, Respondent respectfully requests that this Court permit it to file the accompanying Final Brief of Respondent out of time.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

A handwritten signature in black ink, appearing to read 'AR', written over a horizontal line.

ANNIE LAURIE RUMLER

South Carolina Bar # 101851

Staff Attorney

Office of General Counsel

S. C. Department of Corrections

Post Office Box 21787

Columbia, South Carolina 29221

(803) 896-1355

ATTORNEY FOR RESPONDENT

September 27, 2017

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge H.W. Funderburk, Jr.

ALC Case No. 16-ALJ-04-0730-AP
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SC Court of Appeals

JEROME OWENS, # 299108,

APPELLANT,

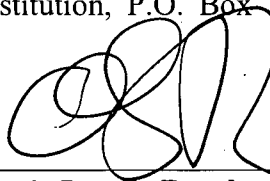
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

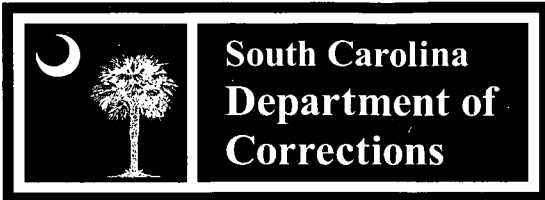
CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, I mailed a copy of the **Motion to File Final Brief Out of Time** to Appellant, addressed as follows: Jerome Owens, # 299108, Allendale Correctional Institution, P.O. Box 1151, Fairfax, South Carolina, 29827.



Annie Laurie Rumler
Staff Attorney
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-1355

September 27, 2017



South Carolina
Department of
Corrections

HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

September 27, 2017

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SC Court of Appeals

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

RE: Jerome Owens, # 299108, v. South Carolina Department of Corrections
Appellate Case No. 2017-00-694

Dear Ms. Kitchings:

Enclosed please find the original and fifteen (15) copies of Respondent's **Final Brief**, along with **Proof of Service** for the same. Also enclosed is the original and six (6) copies of Respondent's **Motion to File Final Brief out of Time**, 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,

Annie Laurie Rumler
Staff Attorney
South Carolina Department of Corrections

cc: Jerome Owens, # 299108
Allendale Correctional Institution
P.O. Box 1151
Fairfax, South Carolina 29067