

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Court Judge

RECEIVED

DEC 04 2017

Lower Court Case No. 16-ALJ-04-0641AP
Appellate Case No. 2017-000596

SC Court of Appeals

William Allen, #178666

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. The relevant facts supporting this request are as follows.

Appellant filed a Notice of Appeal in this case on March 6, 2017. This Court received Appellant's Initial Brief on May 19, 2017. Thereafter, on August 7, 2017, undersigned counsel submitted an Initial Brief of Respondent and Designation of Matter. On August 15, 2017, Appellant filed an updated Designation of Matter and his Final Brief. On October 31, 2017, Appellant filed the Record on Appeal. However, this Court noted that the Record was deficient in that it was not paginated and was not in

compliance with Rule 210, SCACR. Thereafter, Appellant filed an Amended Record on November 12, 2017

The Amended Record on Appeal submitted by Appellant on November 12, 2017 does not contain all of the material designated by Respondent in its Designation of Matter filed August 7, 2017. Specifically, Respondent requested that Appellant's Step One Grievance BRCI 0427-16 and Step Two Grievance BRCI 0427-16 be included in the Record. However, Appellant did not include either document in the Record.


Respondent notes that the copy of the Sentence of Judge dated July 14, 1991 included in the Record includes Appellant's thoughts regarding the validity of the document. 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 the 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
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-1278

ATTORNEY FOR RESPONDENT

December 4, 2017

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Court Judge

Lower Court Case No. 16-ALJ-04-0641-AP
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William Allen, #178666,

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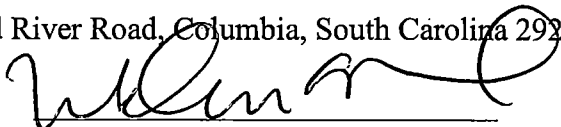
v.

South Carolina Department of Corrections,

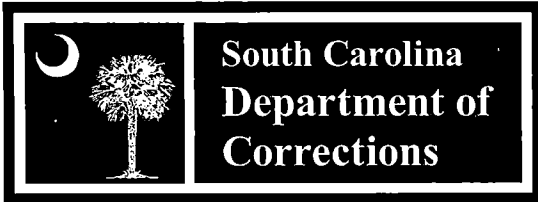
Respondent.

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: William Dale Allen, #178666, Broad River Correctional Institution, 4460 Broad River Road, Columbia, South Carolina 29210.


MELISSA J. ARNOLD
Staff Attorney
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, SC 29221
(803) 896-1278

December 4, 2017



HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

December 4, 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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SC Court of Appeals

RE: William Dale Allen, #178666, v. South Carolina Department of Corrections
Appellate Case No. 2017-000596

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,

A handwritten signature in black ink, appearing to read "Melissa J. Arnold", is written over the typed name.

Melissa J. Arnold
Staff Attorney
South Carolina Department of Corrections

cc: William Dale Allen, #178666
Broad River Correctional Institution
4460 Broad River Road
Columbia, South Carolina 29210