

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

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ALC Case No. 16-ALJ-04-0756-AP  
Appellate Case No. 2017-001317

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**RECEIVED**  
DEC 28 2017  
SC Court of Appeals

STEVEN LEE HIGGINBOTHAM, # 237685,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**MOTION TO FILE OUT OF TIME**

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Comes now Respondent, through undersigned counsel, and requests leave to file its Initial Brief of Respondent and Designation of Matter out of time. The reason for this request is as follows.

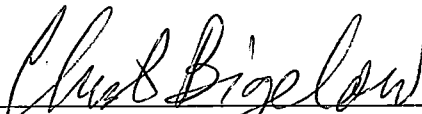
On December 21, 2017, undersigned counsel received this Court's letter dated December 19, 2017. This letter indicated that the time period for filing the Respondent's Initial Brief and Designation of Matter had expired, and that this brief and designation, along with a motion to file out of time, must be filed within ten days. Undersigned counsel immediately checked the file for this case and did not find a copy of Appellant's Initial Brief and Designation of Matter. However, the Initial Brief and Designation

(along with a Certificate of Service dated November 13, 2017) was located later that day in an unrelated stack of documents. It appears these documents were simply misplaced by staff in the Office of General Counsel.

In light of the foregoing, Respondent respectfully requests that this Court permit it to file the accompanying Initial Brief of Respondent and Designation of Matter outside of the filing deadlines set forth in Rules 208 and 209 of the South Carolina Appellate Court Rules. Undersigned counsel apologizes to this Court and to Appellant for any inconvenience this request has caused. However, Respondent does not believe any prejudice to Appellant will result if the request is granted.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

BY:   
**CHRISTINA CATOE BIGELOW**  
Deputy General Counsel  
Office of General Counsel  
S.C. Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
(803) 896-8508

**ATTORNEY FOR RESPONDENT**

December 28, 2017

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 16-ALJ-04-0756-AP  
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STEVEN LEE HIGGINBOTHAM, # 237685,

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APPELLANT,

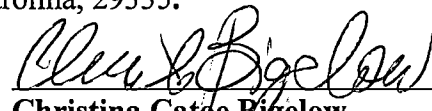
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**CERTIFICATE OF SERVICE**

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the Respondent's **Motion to File Out of Time** to Appellant via U.S. Mail addressed as follows: Steven Lee Higginbotham, # 237685, Tyger River Correctional Institution, U3-0109-B, 200 Prison Road, Enoree, South Carolina, 29335.



**Christina Catoe Bigelow**  
Deputy General Counsel  
Office of General Counsel  
S. C. Department of Corrections  
Post Office Box 21787  
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(803) 896-8508

December 28, 2017



South Carolina  
Department of  
Corrections

HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

**RECEIVED**

DEC 28 2017

**SC Court of Appeals**

December 28, 2017

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

**RE: Steven Lee Higginbotham, # 237685, v. South Carolina Department of Corrections**  
**Appellate Case No. 2017-001317**

Dear Ms. Kitchings:

Enclosed please find the **Initial Brief of Respondent** and **Designation of Matter** in the above captioned appeal, along with **Proof of Service**. Also enclosed is the original and six copies of Respondent's **Motion to File 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,

Christina Catoe Bigelow  
Deputy General Counsel  
South Carolina Department of Corrections

cc: Steven Lee Higginbotham, # 237685  
Tyger River Correctional Institution  
U3-0109-B  
200 Prison Road  
Enoree, South Carolina 29335