

**RECEIVED**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

JAN 26 2018

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge H.W. Funderburk, Jr.

ALC Case No. 17-ALJ-04-0154-AP  
Appellate Case No. 2017-001964

MICHAEL BRAXTON, # 119081,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**MOTION TO FILE FINAL BRIEF OUT OF TIME**

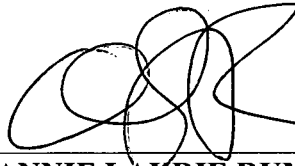
Comes now Respondent, through undersigned counsel, and requests leave to file its Final Brief of Respondent out of time. The reason for this request is as follows. Appellant filed a Notice of Appeal in this case on September 20, 2017. Appellant then filed the Record on December 12, 2017 prior to filing his Initial Brief. The Appellant served the Record on Respondent at this time. However, the Court returned the Record to Appellant and instructed him to refile the Record at the appropriate time. Respondent filed their Initial Brief on December 14, 2017. Appellant filed a reply to Respondent's Initial Brief on January 2, 2018. Appellant refiled the Record on January 2, 2018. However, he did not reserve Respondent or notify Respondent that he had resubmitted the Record to the Court. Respondent was thus not aware that the Record had been filed

until January 24, 2018 when attorney for the Respondent received a letter from the Court to Appellant dated January 23, 2017 regarding his failure to timely file his Final Brief.

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, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**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**

January 25, 2018

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SC Court of Appeals

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. 17-ALJ-04-0154-AP  
Appellate Case No. 2017-001964

MICHAEL BRAXTON, # 119081,

APPELLANT,

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

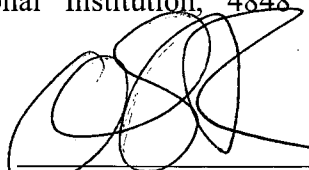
RESPONDENT.

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**CERTIFICATE OF SERVICE**

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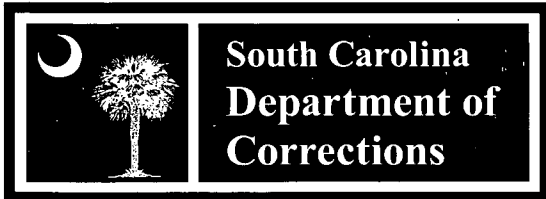
Undersigned counsel hereby certifies that on today's date, I mailed a copy of the **Motion to File Final Brief Out of Time** to Appellant, addressed as follows: Michael Braxton, # 119081, Kershaw Correctional Institution, 4848 Goldmine Highway, Kershaw, South Carolina, 29067.



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**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

January 25, 2018



HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

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JAN 26 2018

January 25, 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Reference: App. Case No.: 2017-001964 (*Michael Braxton, #119081*  
*v. South Carolina Department of Corrections*)

Dear Madam Clerk:

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.

Sincerely,

Annie Laurie Rumler, Esquire

Enclosure

cc: Michael Braxton, #119081



South Carolina  
Department of  
Corrections

Office of General Counsel  
P.O. Box 21787/4444 Broad River Road  
Columbia, South Carolina 29221-1787

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

JAN 26 2013  
CO COURT APPEALS