

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durdan

ALC Case No. 16-ALJ-04-0869-AP
Appellate Case No. 2017-001484

RECEIVED
FEB 16 2018
SC Court of Appeals

Vincent Jermaine Rice, #316178.....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 Record on Appeal with the Court on October 5, 2017. After a Motion by Respondent and two orders from the Court, Appellant served the Record on Appeal on Respondent by depositing it in his institutional mailroom on February 5, 2018. Respondent received the Record on Appeal on February 12, 2018. The Record on Appeal, as received by Respondent, differs from that which was filed with the Court. The Record on Appeal served on Respondent is missing two pages which were included in the Record on Appeal filed with the court and includes one page which was not in the Record on Appeal filed with the Court. These differences cause the pagination in the two

versions of the Record on Appeal to differ. Additionally, both versions do not include many of the documents filed in the Administrative Law Court. Most importantly, Appellant failed to include seven of his eight sentencing sheets, his Conviction Summary from SCDC's Offender Management System, and his Inmate Offense History from SCDC's Offender Management System. Appellant included his sentencing sheet for indictment number 2012GS4001613 but failed to include sentencing sheets for indictment numbers 2012GS4000888, 2012GS4000889, 2012GS4000890, 2012GS4000891, 2012GS4001614, 2012GS4001616, and 2012GS4002681. All of these documents were included in the Record before the Administrative Law Court.

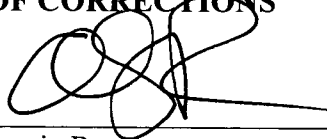
Due to these missing documents, Respondent is unable to file and serve a proper Final Brief of Respondent, as all of these documents were cited to in Respondent's Initial Brief. (See Initial Brief of Respondent, pages 4&5.) Accordingly, Respondent requests that this Court require Appellant to file an Amended Record on Appeal or a Supplemental Record on Appeal so that Respondent may file a proper Final Brief. Respondent would further request that Appellant be required to include in the Record on Appeal all items designated in Respondent's Designation of Matter filed August 24, 2017 and that the Record on Appeal include proper pagination, as required by South Carolina Appellate Court Rule 210(c) ("The Record on Appeal shall include *all matter designated to be included by any party* under Rule 209 Each page of the Record on Appeal shall be numbered consecutively beginning with the index.") (emphasis added). In the event that Appellant fails to include proper pagination, or Appellant files a Supplemental Record on Appeal only, Respondent respectfully requests that the Court provide the parties with

guidance regarding which version of the Record on Appeal's pagination should be used for references in Respondent's Final Brief.

Respondent respectfully requests that this Court extend the time for filing the Final Brief of Respondent until twenty days after the Court rules on this motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**



Annie Rumler
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

February 15, 2018

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Deborah Brooks Durden

ALC Case No. 16-ALJ-04-0869-AP
Appellate Case No. 2017-001484

RECEIVED
FEB 16 2018
SC Court of Appeals

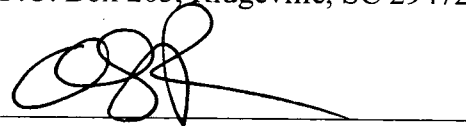
Vincent Jermaine Rice, #316178.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

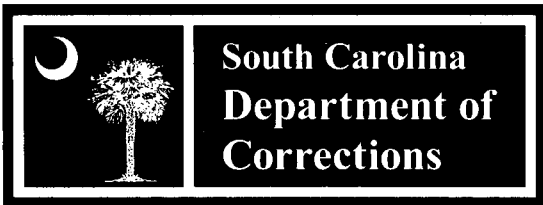
CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date she mailed a copy of the **Motion to Require Appellant to File a Corrected or Supplemental Record on Appeal** to Appellant, addressed as follows: Vincent Jermaine Rice, #316178, Dorm-Room-Bunk: CB-0021-A, Lieber Correctional Institution, P.O. Box 205, Ridgeville, SC 29472



Annie Laurie Rumler
Staff Attorney
Office of General Counsel
South Carolina Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-1943

February 15, 2018



South Carolina
Department of
Corrections

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

February 15, 2018

RECEIVED
FEB 16 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.: 2017-001484 (*Vincent Jermaine Rice*, #316178
v. South Carolina Department of Corrections)

Dear Madam Clerk:

Enclosed, please find the originals and six copies of Respondent's Motion to Require Appellant to File a Corrected or Supplemental Record on Appeal and Respondent's Motion to Strike Final Brief of Appellant and Require the Filing of a Final Brief Conforming to the Requirements of Rule 211, SCACR. Thank you.

Sincerely,



Annie Laurie Rumler, Esquire

Enclosure

cc: Vincent Jermaine Rice, #316178



South Carolina
Department of
Corrections

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

RECEIVED
FEB 16 2018
SC Court of Appeals

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