

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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FEB 16 2018  
SC 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

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

v.

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

**MOTION TO STRIKE FINAL BRIEF OF APPELLANT AND REQUIRE THE  
FILING OF A FINAL BRIEF CONFORMING TO THE REQUIREMENTS OF  
RULE 211, SCACR**

Appellant filed his Initial Brief on August 7, 2017. Respondent filed its Initial Brief on August 24, 2017. In response to an order of this Court, Appellant filed and served on Respondent an Amended Initial Brief on August 28, 2017.

The body of the Amended Initial Brief of Appellant was ten pages long. It did not include a Statement of Issues on Appeal but did include five subheadings Respondent construes as separate issues. However, the body of the Final Brief of Appellant is four pages long and only identifies two issues in its Statement of Issues on Appeal.

Additionally, the two issues identified in the Statement of Issues on Appeal in the Final Brief of Appellant and the following substantive arguments do not match any of the

headings or arguments in his Amended Initial Brief. Appellant has essentially submitted an entirely new document.

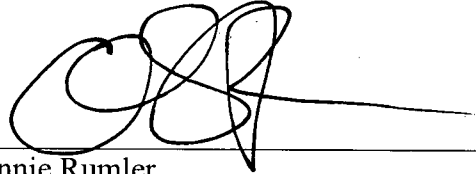
The South Carolina Appellate Court Rules govern the form and content of appellate briefs. Pursuant to Rule 211(b), SCACR, a final brief “shall be identical” to an initial brief previously served. Under our appellate court rules, only the following changes are permitted to be made to a final appellate brief: (1) references to transcript pages can be changed to refer to the corresponding page of the Record on Appeal; and (2) typographical mistakes or errors can be corrected. Rule 211(b)(1)-(2), SCACR. “No other changes may be made.” Rule 211(b)(2), SCACR.

Appellant’s Final Brief contains numerous substantive changes from his Initial Brief of Appellant. Those changes do not simply involve the correction of typographical errors or changes to page references. Instead, the changes involve substantive alterations to the statement of the issues and arguments on the issues. Such changes are not permitted under our appellate court rules. Therefore, Appellant’s Final Brief does not conform to the requirements of Rule 211, SCACR. For that reason, the State asks this Court to strike the Final Brief of Appellant and require the filing of an amended final brief fully complying with the requirements of Rule 211, SCACR, and containing no substantive changes from the originally-filed initial brief. See, e.g., Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (“[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.”).

**WHEREFORE**, Respondent prays that this Court will strike the Final Brief of Appellant; require the filing of a Final Brief of Appellant conforming to the requirements of Rule 211, SCACR; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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Annie Rumler  
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**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  
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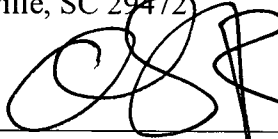
Vincent Jermaine Rice, #316178.....Appellant,

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 Strike Final Brief of Appellant and Require the Filing of a Final Brief Conforming to the Requirements of Rule 211, SCACR** 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



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February 15, 2018



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Corrections

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The Honorable Jenny Abbott Kitchings  
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