

STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

MAY 18 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 AMENDED 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. On February 7, 2018 Appellant filed his Final Brief in this matter. Respondent then filed a Motion to Strike Final Brief of Appellant and Require the Filing of a Final Brief Conforming to the Requirements of Rule 211, SCACR on February 16, 2018. The Court granted this motion on March 29, 2018 and ordered Appellant to file a final brief within thirty days. On May 4, 2018, outside of the Court's prescribed timeframe, Appellant filed his Amended Final Brief. Appellant has still failed to comply with Rule 211, SCACR.

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 Amended Final Brief of Appellant is only three pages long and only includes only two subheadings. Appellant has once again 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.

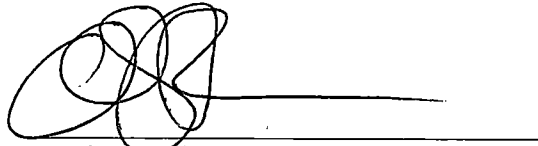
Appellant’s Amended Final Brief contains numerous substantive changes from his Amended Initial Brief. Those changes do not simply involve the correction of typographical errors or changes to page references. Instead, the changes involve substantive alterations to the statement of the issues and arguments 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 Amended Final Brief of Appellant and require the filing of a 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 Amended 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**



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**

May 17, 2018

**RECEIVED**

MAY 18 2018

SC Court of Appeals

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

---

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

v.

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

---

**CERTIFICATE OF SERVICE**

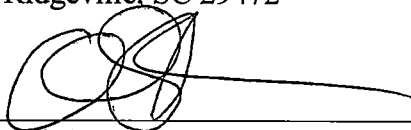
---

Undersigned counsel hereby certifies that on today's date she mailed a copy of the **Motion to Strike Amended 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: CA-0020-A, Lieber Correctional Institution, P.O. Box 205, Ridgeville, SC 29472

**RECEIVED**

MAY 18 2018

SC Court of Appeals



---

**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

May 17, 2018



HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

**OFFICE OF GENERAL COUNSEL**

May 17, 2018

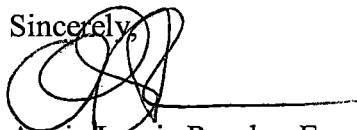
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Reference: App. Case No.: 2017-001484 (*Vincent Jermaine Rice, #316178*  
*v. South Carolina Department of Corrections*)

Dear Madam Clerk:

Enclosed, please find the original and six copies of Respondent's Motion to Strike Amended Final Brief of Appellant and Require the Filing of a Final Brief Conforming to the Requirements of Rule 211, SCACR. Thank you.

Sincerely,

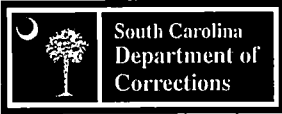


Annie Laurie Rumler, Esquire

Enclosure

cc: Vincent Jermaine Rice, #316178

**RECEIVED**  
MAY 18 2018  
SC Court of Appeals



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  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

MAY 18 2018

SC Court of Appeals