

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

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ALC Case No. 17-ALJ-04-0491-AP  
Appellate Case No. 2018-00548

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**RECEIVED**  
JUN 22 2018  
SC Court of Appeals

TORREY DEAUND MANNING, # 364781,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**MOTION TO FILE OUT OF TIME**

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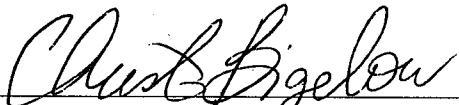
Comes now Respondent, through undersigned counsel, and requests leave to file its Final Brief of Respondent out of time. Respondent's Final Brief was due to be served and filed yesterday, June 21, 2018. The deadline for the serving and filing of the Final Brief of Respondent was inadvertently mis-calendared. Undersigned counsel realized the error today and is contemporaneously filing herewith the Final Brief of Respondent, which is also being served upon Appellant today.

In light of the foregoing, Respondent respectfully requests that this Court permit it to file the accompanying Final 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. See Rule

263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). 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, particularly since there is only a one-day delay in the filing of the Respondent’s Final Brief.

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  
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(803) 896-8508

**ATTORNEY FOR RESPONDENT**

June 22, 2018

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In The Court of Appeals

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Administrative Law Judge S. Phillip Lenski

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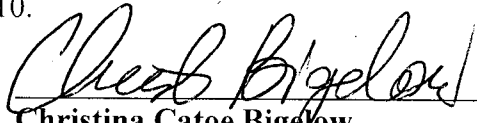
v.

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:  
**Torrey Deaund Manning, # 364781**, Kirkland Correctional Institution, EA2-0033-A, 4344 Broad River Road, Columbia, South Carolina 29210.



**Christina Catoe Bigelow**  
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June 22, 2018