

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

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**RECEIVED**

ALC Case No. 18-ALJ-04-0224-AP  
Appellate Case No. 2018-001307

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OCT 12 2018

SC Court of Appeals

Sanyika Askari, #236679.....Appellant,

v.

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

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**MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT'S FINAL  
BRIEF**

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This matter is before the Court pursuant to Sankyika Askari's appeal of Administrative Law Court Judge S. Phillip Lenski's July 2, 2018 dismissal order.

On August 6, 2018 Appellant filed a Motion to Hold Appeal in Abeyance and a Motion to Proceed In Forma Pauperis. Respondent filed replies to both motions on September 17, 2018. In Appellant's Motion to Hold Appeal in Abeyance, Appellant requested that this appeal be held in abeyance until Respondent added certain documents to the Record on Appeal. In Respondent's reply, Respondent requested that this Court deny Appellant's Motion to Hold in Abeyance in part because the documents Appellant requested cannot be properly included in the Record on Appeal. These motions and Respondent's replies are still pending before this Court.

On August 28, 2018 Appellant filed his Designation of Matter and Initial Brief. Respondent filed a Motion to Strike Appellant's Designation of Matter and Initial Brief and to Require the Filing of a Designation of Matter and Initial Brief Conforming to South Carolina Appellate Court Rules 208, 209, and 210 on September 20, 2018. In this filing, Respondent requested that this Court strike several documents which cannot be properly included in the Record on Appeal from Appellant's Designation of Matter and any mentions thereto in Appellant's Initial Brief. Appellant filed a reply to this motion on September 27, 2018. This motion and Appellant's reply are still pending before the Court.

On September 20, 2018, Appellant filed the Record on Appeal. Respondent filed a Motion to Strike Appellant's Record on Appeal and to Require Appellant to File a Corrected Record on Appeal on September 28, 2018. In this filing, Respondent requested that the Court strike several documents from the Record on Appeal because their inclusion was improper. The Respondent also requested that the Court either require the filing of a Corrected Record or provide guidance regarding the pagination of the Record on Appeal for purposes of citations in its Final Brief as the Record on Appeal filed by Appellant was not paginated. Lastly, the Respondent requested additional time to file its Final Brief. This motion is also still pending before the Court.

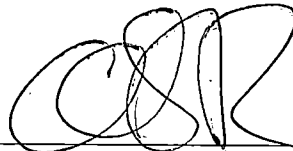
There are currently three motions pending before the Court regarding the content of the Record on Appeal. According to the Certificate of Service, Appellant filed the Record on Appeal on September 17, 2018. Thus, Respondent's Final Brief should be due today, October 8, 2018. However, without the Court's rulings on the issues regarding the content and pagination of the Record on Appeal contained in the above referenced

pending motions, Respondent is unable to file a Final Brief which complies with South Carolina Appellate Court Rule 211. Therefore, Respondent respectfully requests that this Court extend the time for filing the Final Brief of Respondent until twenty days after all motions regarding the Record on Appeal have been resolved and, if a Corrected Record on Appeal is required by the court, the Corrected Record on Appeal has been served upon Respondent.

**WHEREFORE**, Respondent respectfully requests that this Court extend the deadline for the service and filing of the Final Brief of Respondent in this case until 20 days after the Court resolves all pending motions regarding the Record on Appeal and Appellant serves Respondent with a Corrected Record if required.

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**

October 8, 2018

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

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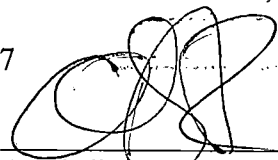
Sanyika Askari, #236679.....Appellant,

v.

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

**CERTIFICATE OF SERVICE**

I hereby certify that on today's date I served a copy of the foregoing **Motion for Extension of Time to File Respondent's Final Brief** to Appellant by depositing a copy of same in the United States Mail, postage prepaid addressed as follows: Sanyika Askari a.k.a. Henry Fuller, #236679, Dorm-Room-Bunk: BWB-0043-A, Allendale Correctional Institution, P.O. Box 1151, Fairfax, SC 29827



**Annie Laurie Rumler**  
Staff Attorney  
Office of General Counsel  
South Carolina Department of Corrections  
Post Office Box 21787  
Columbia, S. C. 29221  
(803) 896-1355

October 8, 2018



HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

October 8, 2018

**RECEIVED**

OCT 12 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 (*Sanyika Askari*, #236679  
*v. South Carolina Department of Corrections*)

Dear Madam Clerk:

Enclosed, please find the original and six copies of Respondent's Motion for Extension of Time to File Respondent's Final Brief. There are now five motions pending before the Court in this case (two motions filed by Appellant with returns filed by Respondent and three motions filed by Respondent one of which was replied to by Appellant). Respondent's Final Brief cannot be properly filed until the Court has ruled on several of these pending motions. As this is an unusually large number of pending motions I wanted to bring it to your attention. Thank you.

Sincerely,

Annie Laurie Rumler, Esquire

Enclosure

cc: Sanyika Askari, #236679



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

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
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